SENATE—*Tuesday, June 8, 1993*

(Legislative day of Monday, June 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thy word is a lamp unto my feet, and a light unto my path.—Psalm 119:105.

God of our fathers, we look to Thee for guidance at an extremely sensitive time in the life of the Senate—perhaps as crucial as any time in recent history. It is a time critical to Senate leadership, to the Senate as an institution, to both Democratic and Republican Parties, to the administration, and preeminently critical for the Nation.

God of truth and peace, as the Senate resolves campaign financing and begins consideration of the economic package, grant to the Senators wisdom and objectivity, patience and forbearance, discernment and courage. May personal and party interests submit to national welfare. May reality take precedence over subjective judgment. Grant cool heads and warm hearts, that debate may be more light than heat. May wisdom and truth prevail.

In His name who is Truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair in its capacity as a Senator from California suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam president, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 15 minutes.

HANDGUNS AND U.S. PUBLIC OPINION

Mr. CHAFEE. Madam President, 1 month ago, I introduced in the Senate my Public Health and Safety Act, which is S. 892. What does this bill do? It bans the sale, the manufacture, or the possession in the United States of America of handguns. I did so for a very simple reason. Handguns are literally threatening the very health and safety of our Nation's citizens, and if we do not do something to get rid of these lethal and all-accessible weapons, handguns, our Government will be failing in the most fundamental duty any government has, which is to safeguard the public's welfare.

I note my legislation, which is the first such legislation in 15 years—I had similar legislation last year, prior to that 15-year gap—has not been overwhelmed by a slew of Senate cosponsors. I believe this fact has less to do with the level of public support and more to do with the perceived—and I say perceived—power of the progun lobby.

More and more Americans are realizing that a handgun ban is not a radical idea. Some people say, oh, what a radical idea. It is not radical at all. Heavy restrictions, outright bans on handgun ownership are the norm. They are just accepted in virtually every other industrialized country.

What is truly radical is what is taking place in this country of ours where we in these United States of America allow such easy access to handguns resulting in unheard of carnage that continues unabated day after day.

Last week Lou Harris, who is a very respected pollster, released the results of a poll which he conducted for the Harvard School of Public Health. What this poll does is confirm the public's increasing support for handgun control measures. He found that Americans are increasingly worried about the situation in America and especially for our young people. Less than 30 percent of Americans believe that most children, their children, are safe in neighborhood schools and in homes. More than 80 percent believe that the problems affecting children have grown worse. In the judgment of more than 80 percent—80 percent; that is a tremendous plurality—more than 80 percent of those surveyed said that availability of guns and the increase in the number of guns that are bought and sold have contributed to the violence. Roughly the same number, 77 percent, feel the young people's safety is endangered by there being so many handguns around these days. A sizable number, 78 percent, say that concerns over the physical safety—imagine, the physical safety—of children have altered the lives of children, particularly with regard to school. The 78 percent report that children are more concerned about safety in school than on the way to school. Sixty percent of parents report children acting tougher to protect themselves, and one-third of all the parents report that children are actually less eager to go to school every day and are having a harder time paying attention once they get there. And a tremendous factor in all of this is concern for their physical safety.

Many parents stated that they knew a child who began to carry a gun, or ask for a gun, to protect themselves. Yet a full 96 percent—96 percent, that is nearly unanimous—rejected the view the children would be safer in a physical fight if they had a gun.

Lou Harris found that a significant number of adults have been personally affected—personally affected—or know someone who has been affected, by the impact of guns on children:

Eighteen percent of adults report having had, or knowing someone who had, a child wounded or killed by another child with a gun. Think of that. Nearly 20 percent, one-fifth of all of the adults, know someone who had a child wounded or killed by a handgun.

Thirteen percent report knowing a child who was wounded or killed by an adult with a gun.

Now what did Mr. Harris conclude? I think these are important conclusions.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

People in the United States see a vast increase in the pall of violence that has visited this Nation compared to when they were growing up, and that the lives of children have been altered and deeply affected by it. * * * The American people have come to believe that the widespread possession of guns has created a pall of violence across the land that has engulfed the lives of children. * * * Guns are now perceived as a major health problem for children.

And that concludes the quote of Mr. Harris.

Not only did the Harris Poll look at how Americans are feeling about guns, but it also asks participants what should we do about it. What is the remedy? Such polls have been conducted regularly over the past few decades; but the results of the Harris survey seem to indicate that, as Mr. Harris put it, "The American people now urgently want handguns contained or even banished."

By overwhelming majorities, poll respondents favored passage of the Brady bill. The Brady bill is merely a waiting period bill. It does not say you cannot have a gun. It says you must wait. Overwhelming majorities are for this. And that also includes the registration of handguns, and limiting gun purchases to one gun a month, sort of a gun-a-month club, like they just inaugurated in Virginia after a tremendous battle. And I commend the Governor of Virginia for what he did in getting that far.

The public wants permits for guns carried outside the home and special taxes on guns.

And, in one of the most noticeable increases in intensity, more Americans than ever before—52 percent—gave their support to an outright Federal ban on handguns.

Now, I call your attention to this chart. And I start down here and I take this progressively from the bottom upward chronologically.

Here we are in March of 1989. And the first column is "yes" and the second column is "no."

Now what happened in 1989? The New York Times/CBS poll asked the following question:

Would you favor or oppose a ban on the sale of all handguns except those that are issued to law enforcement officers?

That is the same question that is asked here. Are you for or against a ban?

In 1989, 41 percent for; 55 percent against. Rather solidly against a ban.

A year-and-a-half later, a Gallup Poll: Do you think there should or should not be a law banning handguns? Forty-one percent, yes; 55 percent, no. Stayed absolutely the same.

January 1992, a year-and-a-half later, a New York Times poll: Would you favor a ban? Just the same, 41 to 56.

Now, what has happened a year-and-a-half later? Things have changed. They have seen this slaughter that is taking place all across our country, and particularly affecting children. Is it 41, as it has always been, "yes?" No. It is 52 percent saying "yes."

And in the other column, the "no" column, it has consistently been 55, and suddenly it drops to 43. That is a mammoth change in the views of the American public as to what is happening with handguns, public opinion regarding the banning of handguns.

So this is the most recent poll by a very, very respected pollster, 52 to 43.

Now, from this data, Lou Harris also said:

The most far-reaching proposal, of course, is that which calls for a ban on the sale of all handguns, except those authorized by a court order. A clear majority of 52 percent * * * favors such action. Indeed, this study indicates a mandate for control of handguns well beyond that seriously put forth in Washington up to now.

And he is referring to the Brady bill.

Now, Harris went on to discover that 21 percent of the voters felt strongly enough about a handgun ban to make it a key issue. In politics, as you know, the question is, all right, you can answer yes or no, but is this an important issue? Does this influence whether you vote or do not vote for a candidate?

Twenty-one percent said they felt strongly enough about a ban to make it the key issue in deciding whether or not to vote for a candidate, 13 percent would vote against a gun control opponent, while only 8 percent would vote against a gun control proponent.

Let me get this straight. Thirteen percent would vote against a gun control opponent—in other words, somebody who did not want the ban on guns—while 8 percent would vote against somebody who did oppose it. So it is not all one way or the other. But more would vote against the candidate who was opposed to controlling or banning guns.

Now, it is no surprise, Madam President, that women have emerged as a major force for passage of tough handgun control measures. And there is every indication that women are ready to translate their concern about guns into votes.

Lou Harris closes with the following quote:

These results indicate that the political balance has now shifted on the gun control issues, away from the NRA to a pro-gun stance. Indeed, the result reported here is based upon a 52-to-43-percent division in favor of a ban on handguns.

He concludes:

Now, it seems that the prospect for legislating an end to the sale of handguns is a viable proposition.

In sum, the Harris Poll reveals quite clearly that handgun controls is neither a peripheral issue—it is not something out there that nobody cares about—and it is not a radical issue—it is not something that is crazy to even think about—it is an issue of life and death.

Americans across this country of ours are realizing this fact and raising their voices for action, because they see—oftentimes firsthand—the destruction and the slaughter caused by the insanely easy access to these weapons which we permit in our country.

There are 70 million handguns out there now in circulation, with 2 million being added every year. It is simply a matter of time before every family in America is touched by this violence. And it seems clear from the Harris Poll that Americans are well aware of this.

The poll also shows that the American public is far ahead of its Members of Congress on this issue, and is increasingly ready to translate its views into votes. That is a sign that politicians, it seems to me, would do well to heed.

So I seek support for my measure, S. 892, which bans all handguns except for the police and the military and licensed security personnel, licensed handgun shooting clubs where the weapons are controlled in a central place.

I urge support for S. 892, the Public Health and Safety Act. I am pleased to report that Senator PELL, my colleague from Rhode Island, is a cosponsor of this measure with me.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRAVELGATE

Mr. HATCH. Madam President, there are several problems that are besetting the administration and the country at this time. But one of them, I think, needs to be mentioned here today.

That is the Clinton administration's apparent politicizing of the Federal Bureau of Investigation. This occurrence seems to be viewed by the administration and its supporters as just one more embarrassing misstep. In my opinion, it is much more than that. It appears to be a serious abuse of power that Congress should investigate.

The FBI is one of the country's most prized institutions and rightly so. Thousands of dedicated FBI agents and other employees work tirelessly to protect our country from domestic predators, terrorists, and foreign spies. They often must go in harm's way to protect their fellow Americans. I am proud of them.

Yet, each and every one of them has been betrayed by this administration. They deserve better than to be subject to political manipulation by any administration. Moreover, if the administration brought down the power of the FBI on citizens, such as employees at the White House, to provide cover for charges of political cronyism, that would be truly frightening. Our citizens deserve better than this misuse of power.

Now, I do not want to be unnecessarily critical, but I ask my colleagues to recall candidate Clinton's outraged reaction to allegations of abuse of the

State Department's passport files. His spokesman, George Stephanopoulos, said:

It seems to be a pretty outrageous abuse of power, blatant use of the State Department for political purposes. [Boston Globe, October 15, 1992].

Eight days later, Mr. Stephanopoulos said:

The officials responsible should be suspended. We ought to find out immediately who directed this operation. * * * What did Jim Baker know and when did he know it? [Newsday, October 23, 1992].

That was during the campaign. After the election, President-elect Clinton said, in reference to misuse of the passport files:

If I catch anybody doing it, I will fire them the next day. [Philadelphia Inquirer, November 13, 1992].

That attitude regarding political misuse of Government power seems to be wholly lacking, now that he is President.

I do not know if there was any wrongdoing by any employee at the White House travel office; if there was wrongdoing, appropriate action should be taken. But, I do know that those employees deserve to be treated fairly when they are under suspicion of wrongdoing.

If Congress just sweeps this under the rug because it is controlled by the same party as the President, Congress sends a wrong signal to the country—and to the White House. If the only penalty for this abuse is some bad publicity and a few internal investigations, such a fiasco may readily be repeated.

Two weeks ago, I, along with seven other minority members of the Senate Judiciary Committee, wrote to Chairman BIDEN requesting hearings on this matter. I hope that he will respond favorably.

Yesterday, I sent letters to Attorney General Reno, FBI Director Sessions, and White House Chief of Staff McLarty, asking for information and documents regarding this matter. I hope they will see the wisdom of fully cooperating with those in Congress who believe this matter should be independently reviewed. And, I want to give Attorney General Reno credit for complaining to the White House about how it handled this matter.

I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks. Also, Meg Greenfield, in her June 7, 1993, Newsweek column has, in my view, hit the nail on the head. I ask unanimous consent that her column also be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Madam President, the President has had a bad week last week and I do not mean to add to his problems. I personally like him. I want to see him be successful. And I believe this is one way he can help to be successful, by making sure that these matters are investigated and that those who literally have used and abused the FBI at least have to account for their actions.

If there is nothing wrong, we will find out. Then they can call it just a simple mistake or a series of mistakes or a series of missteps or, as Chairman BIDEN called it—"amateur hour."

So I think this is worthwhile. I think we should do it. You have the whole minority on the Judiciary Committee asking for this. It may turn out to be nothing very serious—and I would like to see that, personally. But I think it is serious and I do think any time somebody uses the FBI in this fashion it ought to be brought out and we ought to make sure it never happens again.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Mr. THOMAS MCLARTY,
Office of the Chief of Staff, The White House, Washington, DC.

DEAR MR. MCLARTY: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224-7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times, and content of the contacts, if any:

(i) between (A) any persons employed by the Executive Office of the President, including the President and employees of the Office of Management and Budget (OMB), and (B) the Department of Justice (DOJ); and,

(ii) between (A) any persons employed by the Executive Office of the President, including the President and employees of OMB, and (B) the Federal Bureau of Investigation (FBI), or the Internal Revenue Service (IRS) regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face to face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceeding or following any such meeting or conversation.

2. Was each contact identified in your response to the previous question proper. If not, please identify each improper contact.

3.a. What are the dates, times, and content of the contacts, if any, between (i) any persons employed by the Executive Branch, including the President, outside of the DOJ and (ii) any outside parties, including Darnell Martens and Harry Thomason, regarding the White House travel office operations, and who was involved in each such contact.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

4.a. What are the dates, times, and content of any contacts between persons employed by the Executive Branch, including the IRS, who are not employees of the DOJ or the FBI, regarding the White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda proceeding or following any such meeting or conversation.

5. What is the nature and status of any review(s) being conducted by anyone in the Executive Branch, other than in DOJ or the FBI, regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s), and when each such review be completed? If all or part of such review(s) is completed, please provide a copy of it.

6. a. When was Peat Marwick asked to conduct any audit or other study of the operations of the White House travel office and who requested such audit or study?

b. What was the basis for any such request?

c. Please provide all documents relating to any audit(s), studies, or investigations of the White House travel office operations by Peat Marwick or any other organization or individual since January 20, 1993.

7. What opportunity did the White House travel office employees have to respond to the allegations that formed the basis for their original dismissal before the announcement of their dismissal was made?

8. a. How long has Catherine Cornelius been employed by the Executive Branch and in what positions has she served?

b. What was Ms. Cornelius' role during the presidential campaign?

c. What has been Ms. Cornelius' relationship or dealings with World Wide Travel of Little Rock, Arkansas in the past three years?

d. Please provide any documents, including memoranda or reports, prepared by Ms. Cornelius regarding any matter related to the travel office operations and indicate who in the Executive Branch saw each document and the date each such person saw any such document.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224–7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times and content of the contacts, if any, between the Department of Justice (DOJ) and persons employed by the Executive Branch outside DOJ regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face-to-face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

2.a. What are the dates, times, and content of the contacts, if any, between the Federal Bureau of Investigation (FBI) and other persons in DOJ, regarding White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

3.a. What are the dates, times and content of contacts, if any, between persons employed by DOJ regarding White House travel office operations, and who was involved in each such contact?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

4.a. What are the dates, times, and content of contacts, if any, between DOJ and any outside parties, including Darrell Martens and Harry Thomason, regarding the White House travel office operations, and who was involved in such contacts?

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting or conversation, or memoranda preceding or following any such meeting or conversation.

5. What is the nature and status of any review being conducted by DOJ regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s) and what is the expected date of completion of each such review? If all or part of any such review has been completed, please provide a copy of it.

6. Please provide a copy of any memorandum or report (i) to you by an employee or employees of DOJ, the FBI, or other office of the Executive Branch regarding this matter; and (ii) to any other employee of DOJ by another employee of DOJ, the FBI, or other office of the Executive Branch regarding this matter.

7.a. Did any person employed by DOJ see or receive a copy of any memorandum or correspondence regarding the White House travel office prepared by Catherine Cornelius?

b. If so, please provide a copy of such document(s) and identify who saw it and the date each such person saw it.

8.a. Did any person at the DOJ see a copy of the audit of the travel office done by Peat Marwick?

b. If so, please identify who saw it and the date each such person saw it.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 1993.

Hon. WILLIAM S. SESSIONS,
Director of Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, DC.

DEAR MR. SESSIONS: I, along with the seven other minority members of the Senate Judiciary Committee, have requested that Chairman Biden conduct hearings to determine whether Administration officials improperly influenced or utilized the Federal Bureau of Investigation (FBI) with respect to the dismissal of employees of the White House travel office. This entire episode raises the possibility of political abuse of a federal law enforcement agency by members of the Clinton Administration in order to protect Administration officials from charges of political cronyism in the decision to dismiss the travel office employees. We consider this to be a very serious matter.

Whether or not the Chairman agrees to hold such hearings, I think that it is essential that the Committee immediately be provided with certain information regarding the events at issue. I am therefore requesting that you respond to the attached list of questions and request for documents.

Thank you in advance for your cooperation. Please direct any questions regarding this request to my staff director, Mark R. Disler, at 224–7703.

Sincerely,

ORRIN G. HATCH,
Ranking Minority Member.

ATTACHMENT

(Please note that all questions below, and requests for documents, pertain to matters occurring through June 1, 1993.)

1.a. What are the dates, times and content of the contacts, if any:

(i) between employees of the Federal Bureau of Investigation (FBI);

(ii) between employees of the FBI and persons employed in other parts of the Department of Justice (DOJ); and by the Executive Branch other than in the FBI and DOJ, regarding the White House travel office operations, and who was involved in each such contact? "Contacts" in this and all subsequent questions or requests include, but are not limited to, telephone conversations, written and electronic communication of any kind, and face-to-face meetings.

b. Please provide any written documentation in connection with such contacts, including copies of any written or electronic communication, notes of any meeting, or memoranda proceeding or following any such meeting.

2.a. When did the FBI begin its inquiry of the White House travel office?

b. Did the FBI begin such inquiry at the request of any Executive Branch employee outside of DOJ? If so, please list the name of each such person.

c. If the FBI's inquiry in this matter was initiated at the request of an employee of the Executive Branch outside of DOJ, was this request proper and did the FBI's response to the request follow appropriate FBI procedures?

3. If not otherwise provided in response to question 1.b. above, please provide any documents received or prepared by the FBI in connection with the White House travel office operations, the date each document was prepared or received, and the name of the person who prepared or received it. If the FBI received any such document from employees other than from within the FBI, please also provide the name of the person who sent it.

4. What is the nature and status of any review being conducted by the FBI regarding the Executive Branch's handling of any aspect of this matter, who is conducting such review(s), and what is the expected date of completion of each such review? If all or part of any such review(s) has been completed, please provide a copy of it.

5.a. Under what circumstances in the past, if ever, have White House officials directly asked the FBI to undertake a criminal investigation?

b. When was the last time that someone from the White House staff directly summoned FBI agents or personnel to discuss a potential criminal matter? Please describe the matter.

6.a. Did any Executive Branch employee call any FBI employee to the White House to give the FBI employee guidance in the issuance of a statement on a pending criminal investigation regarding White House travel office operations?

b. If so, who provided such guidance, to which FBI employee(s) was such guidance given, and in whose office was the guidance given, and who else was present?

c. If an employee of the Executive Branch outside of DOJ provided guidance to the FBI in the drafting of such statement, was providing such guidance proper?

d. Who released the statement?

e. If the White House released it, was that the normal way such a statement is released?

Please provide a copy of the statement.

f. Was the release of such statement in conformity with all existing FBI policies, and, if so, identify those policies.

7. Please provide a copy of any memorandum or reports (i) to you by an employee or employees of the DOJ, the FBI, or other office of the Executive Branch regarding this matter; and (ii) to any other employee of the FBI by another employee of DOJ, the FBI, or other office of the Executive Branch regarding this matter.

8.a. Did any person employed by the FBI see or receive a copy of any memorandum or correspondence regarding the White House travel office prepared by Catherine Cornelius?

b. If so, please provide a copy of such document(s) and identify who saw it and the date such person saw it.

9.a. Did any person at the FBI see copies of the audit of the travel office done by Peat Marwick?

b. If so, please identify who saw it and the date each such person saw it.

[From Newsweek, June 7, 1993]

THE "MOI?" DEFENSE

(By Meg Greenfield)

For days the papers and the airwaves and the private chitchat parlors were full of talk about the president's "terrible week." Pardon me, but it wasn't the week that was terrible, it was the specific things that were done by the president and his aides that week. The terrible week didn't happen to the White House; the White House did it.

The only way you could see it otherwise would be to consider the political misuse of the FBI, the firings (and unfirings) of travel-office staff, etc., as primarily, if not entirely, a public-image problem, an issue of damaged vanity, not of misconduct that needed to be admitted and fixed. This image problem is the way it seemed to be regarded at the outset by the people who speak for the White House, including the president himself. Armies of image repairers were called in for consultation. In fact, if you are a Democratic political or public-relations consultant and were not invited over to offer advice on how the White House could spin its way out of the mess last week, you probably ought to be considering another line of work.

Some, as I gather, told him straight out the truth about what was wrong with what had gone on, and what had to be done about it. Others were pushing the tactics of diversion: look for a suitable enemy and go back on the attack. Still others were pushing a particular line, which goes: gosh, this is just a new presidency and these people are unschooled in the fine points of government and they just made some understandable mistakes because (one more gosh) they can hardly be expected yet to know how Washington works.

There is something fatally wrong with both of these dodges, the diversionary assault tactic and the forelock-tugging, we're-only-first-graders-here approach. The diversionary assault, in the first place, is superfluous since the president will almost certainly get a ratings boost from things like good speeches in the works, passage of his economic program and the nomination of a strong candidate for Supreme Court justice if he chooses one. There is also a danger in the assault technique of stupidly and unnecessarily alienating individuals and groups that the president will soon enough need to help him get some other business done. And finally there is the cockeyed premise underlying the diversionary tactic, namely, that what has been done so badly in the White House in the travel-office fiasco is not a real problem, anyhow, not even a symptom of a real problem, but rather merely a passing embarrassment. The opposite is true. The talk about a "failed presidency" and the end of the world is blather, but something truly wrong and important did occur. It needs to be acknowledged and remedied by Clinton and those involved disciplined.

The profession of political babyhood and inexperience is no more compelling. We are dealing, after all, with (1) President (and Mrs.) Yale Law School; (2) a White House counsel who served on the Watergate impeachment inquiry staff; (3) a communications director who seemed, during the campaign, to understand perfectly well what was wrong, with, say, the Bush administration's attempts at political manipulation of government agencies (the passport office) that must be insulated from such maneuvers and who also understood, as did candidate Clinton, what was wrong with special friends of a president's using special access for special interests of their own. Nor, during the campaign, were we told that the new administration, if elected, would need several months to understand that—to take a case—it wasn't proper to tar government employees with charges of criminality before any proper investigation had been undertaken or they had been given a chance to answer charges.

The stress on the "ways of Washington" as something that require special knowledge in this case is equally implausible as an excuse. This whole sorry episode is not about some arcane code of conduct that has been inadvertently breached by innocents who could not be expected to know its esoteric provisions. We are not talking about secret handshakes and passwords or the gobbledygook that must be memorized by members of the Fraternal Order of this or that. We are talking about the self-evident proposition that it is wrong for people in high office to use their authority and clout to:

Publicly accuse others of criminal conduct or ethical improprieties without observing even the most elementary requirements of due process and fair play.

Let someone (the president's cousin) who wants a job be dispatched to investigate for possible misconduct the person who now holds the job and then report back that plenty of wrong was done.

Manipulate the FBI to further their political intentions and, worse, do so in a way designed to suggest criminal action on the part of people who have not even been fully investigated yet.

Fudge, feint, deny and otherwise try to fake their way out of trouble when they have been caught doing something wrong.

No one needs to take Washington 101a to understand these basics, and surely the people at the White House know and knew them. I would say the same is true of the general rules that ought to govern the behavior of the close friends of presidents in relation to government—though these rules are recurrently violated from administration to administration in spectacular if predictable ways. These close pals need to be self-disciplined, self-effacing and even, on occasion, self-sacrificing. (Someone could do an interesting monograph on why they so often seem to be the exact opposite of this.) They should see no business, hear no business and speak no business and, above all, *do* no business. Harry Thomason and Linda Bloodworth-Thomason, the First Family friends involved in all the fuss last week, indignantly pointed out that they were much too well off to have even been interested in the money to be gained from a travel-office deal. They were just trying to be helpful.

But the familiar "*moi?*" defense (a decent person like me couldn't possibly do a gross thing like that) is irrelevant to the conflict-of-interest issue. Where a prospective conflict exists such people must keep out of it. And anyway, the freelancing which sees presidential relatives, pals and non-appointed, nonaccountable persons wielding the power of the president's office is always a treacherous thing. It leads inevitably to overreachings and abuses. Look at the "terrible week," if you doubt that.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, June 4, the Federal debt stood at $4,301,347,713,341.66, meaning that on a per capita basis, every man, woman, and child in America owes $16,745.95 as his or her share of that debt.

IN MEMORY OF NICHOLAS RUWE

Mr. WARNER. Mr. President, 3 years ago, a dear friend of mine, and a dedicated and patriotic public servant was taken untimely by cancer from his friends and family. Nicholas Ruwe worked in numerous political campaigns, served two Presidents as assistant chief of protocol and spent 4 years representing our Government abroad in the diplomatic corps. His life and his career were cut short at the age of 56 by the caprice of a horrible disease, robbing his family and friends of a beloved companion, and this Nation of a distinguished diplomat.

Nicholas Ruwe served as assistant chief of protocol for both Presidents Nixon and Ford. On leaving the White House, he stayed with president Nixon's personal staff until he was appointed Ambassador to Iceland by President Reagan, in whose election campaign he had played a key role.

It was in Reykjavik that Nick's talent as a diplomat, logistician, and mediator reached its apex. His most visible accomplishment was the organization of the 1986 Reykjavik summit between Presidents Reagan and Gorbachev, which had to be completely arranged in a matter of days. His less visible, but equally important, accomplishments there are respected by Iceland as well as his own Government. He resolved whaling disputes between the two countries and helped secure the purchase of American airplanes by Icelandair. During his tenure as Ambassador, the Reykjavik Embassy was designated one of the five best managed missions by the inspector general of the State Department.

The Government of Iceland has been generous in its praise of Nicholas Ruwe. He is the only American ever to receive the Order of the Falcon from

the Icelandic Government, for distinguished service to that country. Next week, Iceland will host a series of events that will commemorate the 1986 Reykjavik summit, including a tribute in memory of Nicholas Ruwe and honoring his widow, Nancy.

Mr. President, my own fond memories of Nick Ruwe stretch back 30 years, when we worked together for Richard Nixon. It was a distinct privilege to know him and regard him as a friend. He always served his country well, especially as Ambassador to Iceland.

I know that Nick was a great fly fisherman—a sport I myself enjoy. In fact, long before his diplomatic service, Nick had traveled many times to Iceland to fish. There is a stark contrast between the picture of the lone fisherman, waist high in chill waters, casting his line gently, and the frenzy of a superpower summit, the demands of diplomatic service. Both images depict the depth of this fine man. It must have given him great satisfaction to play such an important role in United States-Icelandic affairs. And I know he would be glad to be remembered so fondly in both capitals.

I am pleased to have this opportunity to remember Nick in this Chamber, and in so doing, to send with Mrs. Ruwe my heartfelt gratitude and warmest wishes as she departs for the ceremonies in Reykjavik.

RECOGNITION OF OUR NATION'S LAW ENFORCEMENT PERSONNEL

Mr. FORD. Mr. President, I rise today to commend our Nation's law enforcement personnel. As we recently recognized law enforcement officers with a memorial service here in Washington DC, I believe it is only fitting to recognize the important service these valiant public servants provide.

All too often we take the protection by law enforcement personnel for granted and fail to recognize the important service they provide. From telecommunications operators who work behind the scenes to officers on the street, our law enforcement personnel are truly heroic and rarely receive the praise and recognition they deserve. These professionals perform invaluable public service and are to be commended.

As we are all aware, our society has become increasingly violent thus making the job of law enforcement personnel more dangerous. These dedicated public servants put their lives on the line on a daily basis not knowing whether they will return home to their families at the end of the day. It is vitally important that these individuals receive the proper training and adequate resources for the important programs to ensure that the law enforcement personnel of this country are prepared to flight the ever-increasing violence in our society.

Such resources are contained in President Clinton's budget proposal with $100 million for the Department of the Justice Federal/State Partnerships Program. This program would provide funding to fight crime by promoting community and neighborhood-oriented policing programs; developing a national Police Corps; upgrading criminal records at the Federal and State levels; and assisting State and local governments to hire new police officers in conjunction with community policing. The criminal records upgrade program will upgrade criminal history records maintained by the Federal Bureau of Investigation and by the States, enabling a national criminal instant background check to be implemented. I fully support the efforts of President Clinton to ensure these important programs are adequately funded. Our Nation's law enforcement personnel are certainly worthy of such an investment.

Lastly, I would like to commend our Fraternal Order of Police chapters across the country and the service they provide. The FOP chapter in my hometown of Owensboro is hosting an important event this week to honor the children of the community. The first annual Fraternal Order of Police Funfair for Children will be held with specific events for children on the agenda. This exemplifies the important service these folks provide not only when on duty but also off duty when they are spending time enriching the lives of the citizens of their communities. A keen understanding of community service is only underscored by establishment of such an event.

Mr. President, I hope all Americans will join me in taking a moment to recognize the invaluable service our law enforcement personnel provide.

CHINA MFN: GOOD FOR U.S. ECONOMY

Mr. COCHRAN. Mr. President, two articles in the Commercial Appeal of Memphis, TN, point out that President Clinton's recent decision to renew China's most-favored-nation status will have a positive impact on the United States economy. Any other action would have seriously damaged prospects for economic growth and encouraged China to sever trade relations with United States firms at a time when we are trying to boost exports and create more jobs.

The President's decision provides a good opportunity to reiterate the economic benefits surrounding China's MFN status. Over 1.2 billion people—one-fifth of the world's population—live in China. China's economic growth rate keeps moving upward, averaging 10 percent since 1980—12 percent in 1992—and 14 percent for the first quarter of this year.

A recent study by the World Bank estimates that China's gross domestic product reached $2.6 trillion last year, making it not only the world's third largest economy, but potentially the world's largest market for United States-manufactured goods and services as well.

Opponents of renewing China's MFN status should consider these facts. Since the United States reestablished diplomatic relations with China, trade between our two countries has soared almost 1,500 percent, from $2.3 billion in 1980 to $33.1 billion in 1992. United States exports to China totaled $8 billion last year, a 54-percent increase since 1990. It is now the fastest growing Asian market for U.S. goods.

China's growing economy provides an attractive market for investors. Last year, United States firms invested over $6 billion in 2,000 joint ventures in China. Total foreign investment in China reached nearly $60 billion and involved about 45,000 individual contracts. Foreign investors have ploughed about $3 billion into China in the first quarter of 1993—a record increase of 167 percent over last year's figures.

Meanwhile, over 1,000 American firms have invested over $7 billion in Hong Kong, employing more than 250,000 people on the territory.

China has moved to eliminate some of its unfair trade practices. It signed a memorandum of understanding in 1992 to improve protection of copyright, patent, and trademark rights, violations which have cost U.S. firms hundreds of millions of dollars every year. China also reduced import tariffs on 225 commodities in January 1992 and 3,000 commodities in December 1992, and removed its import adjustment tax on April 1, 1992.

As these articles show, any change in China's MFN status would have had serious consequences for the United States economy. The average tariff rates on Chinese goods would have climbed from 8 to 40 percent, and prices on consumer goods would have increased by as much as $16 billion in the United States. Roughly 160,000 jobs in firms that trade with China would have been wiped out.

The Chinese Government would have stopped purchasing equipment from automobile, aircraft, telecommunications, textile, electronics, and specialized machinery manufacturers as well as from cereal and grain farmers.

Consider some of the trade deals that would have been canceled: A $120 million first-phase telecommunications plant built by Motorola; a $160 million order from the Big Three automakers; $200 million in oil-drilling equipment from companies in Louisiana, Texas, and Washington; $800 million for satellite equipment from Hughes Aerospace; a $1 billion in manufacture switches and other telecommunications equipment from AT&T; a project with ARCO Oil & Gas Co. off

the southern coast of China to develop a natural gas field valued at $1.2 billion; and a projected $4.6 billion in jet orders and purchase options from Boeing Industries over the next several years.

The aerospace industry alone expects China to purchase about $40 billion in new aircraft over the next 20 years.

Meanwhile, our Japanese and Western European competitors, who have no intention of restricting trade with China—would have gained valuable access to this market. For example, Airbus Industrie, the four-nation European consortium, would have taken over Boeing's aircraft orders and locked Boeing out of future aviation deals with China.

Tinkering with MFN would also have seriously damaged South China and Hong Kong, the twin pillars of capitalism and political reform in the region. China's southern province of Guangdong averaged a 20-percent economic growth rate in the 1980's while Hong Kong grew at roughly 8 percent during the same period.

If MFN had been revoked, more than 2 million workers in southern China would have lost their jobs. Estimates are that Hong Kong would have lost $3 billion in national income, over $8 billion in reexport trade from China to the United States, $21 billion worth of overall trade, and some 70,000 jobs.

Revoking China's MFN would also have given China little incentive to cooperate on major issues of international concern. Over the last 3 years, China has played a more cooperative role in world affairs, backing United Nations efforts in Iraq, Somalia, and Bosnia and pressuring North Korea to abide by the Nuclear Nonproliferation Treaty.

There is little doubt that increased trade with China will encourage the Chinese Government to be cooperative in resolving conflicts in South Asia—and possibly the Middle East—and in addressing issues such as nuclear proliferation.

All of these facts point to one conclusion: President Clinton was correct to renew China's MFN status. The United States will remain the world's largest economy not by shutting the trade door but by continuing to look for new trade opportunities around the globe. And one of the best ways to achieve that goal is to promote mutually beneficial trade between China and the United States.

I ask unanimous consent that the two articles I mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, May 31, 1993]

CHINA TRADE: TIES GIVE U.S. LEVERAGE IN FAST-GROWING POWER

The annual renewal of most-favored-nation trade status for China is a rite of spring, and the White House is playing its accustomed role: Bill Clinton has abandoned his tough campaign rhetoric and embraced essentially his predecessor's view.

Good for Clinton.

Former president George Bush favored "comprehensive engagement" with China. That meant not comprehensive approval, but interaction on many fronts, each blending elements of competition and cooperation.

This is wiser by far than isolating the world's most populous nation—and one of its fastest-growing economies. Engagement gives Washington leverage it would lose as a distant scold.

The misnamed most-favored-nation is no great privilege but the status shared by virtually all this country's trading partners. That includes the unsavory likes of Libya, Syria and Iraq. Without MFN, tariffs on imports from China would rise a chilling 8 percent to 40 percent. Reciprocal moves by the Chinese no doubt would cut off surging U.S. exports to China—up 54 percent last year since 1990.

Even with a trade deficit of $18.2 billion in China's favor, this commerce generates jobs on both sides of the Pacific. * * *

The coastal provinces where China's export industries are clustered are in the midst of a dizzying boom. More and more Chinese are acquiring property, mobility and some freedom to do business as they see fit.

Like Taiwan and Korea, China becomes less repressive as it modernizes. The most fervent defender of trade with the United States as a liberalizing influence on the regime is Chris Patten, governor of Hong Kong: He should know—and he should care, since Hong Kong reverts to Chinese rule in 1997.

The problematic areas in U.S.-Chinese relations must, of course, be steadily pursued. Beijing's backwardness on human rights is one; we hope President Clinton's recent meeting with the Dalai Lama, spiritual leader of China's Tibetan colony, indicates a policy of forthrightness ahead. And China's history of selling missiles to Middle Eastern undesirables argues for strict controls on exporting advanced technology to Beijing. * * *

[From the Commercial Appeal, June 2, 1993]

CLINTON GETS REALISTIC ON TRADE WITH CHINA

(By B.J. Cutler)

After a week from hell, marked by The Haircut, Travelgate and other White House flubs, President Clinton got something right.

Wisely, the President issued an executive order renewing for a year China's normal trading rights in the United States.

At the same time, he warned Beijing that if it wanted free access to the lucrative American market after June 1994, it must clean up its rotten human rights act.

The action was encouraging, indicating that Clinton the president will be more realistic than Clinton the candidate.

During his campaign, Clinton excoriated George Bush for granting China low tariffs without demanding that it respect people's rights, open its markets to U.S. goods, stop abusing Tibetans and cease peddling nukes and missiles in the Third World.

He also criticized Bush for forcibly returning boat people to Haiti and not taking stronger action in Bosnia—policies that Clinton himself has now adopted.

Faulting Bush on China trade was never justified. By doing things his way, the former president induced Beijing to pledge not to export goods made by prison labor, to stop stealing intellectual property and to give the United States better market access.

* * * * *

Recently, Beijing's police in Tibet scattered anti-Chinese demonstrators with tear gas, not machineguns, which is an improvement. In China, high-profile dissidents are being freed. The private sector is playing a greater role in industry, and the political hierarchy looks marginally less repressive.

All this would be threatened if Clinton had listened to the capital's human rights hawks and ended China's most-favored-nation trade status, or MFN.

Part of his headache is MFN's name, which sounds as if China is getting a great privilege. Actually, the United States has extended MFN to virtually all countries, including such charmers as Hussein's Iraq, Gadhafi's Libya and military-ruled Burma, which shoots more students than Beijing does.

If Clinton had bumped China from MFN, our average tariff would have zoomed to 40 percent, from 8-percent now, and most Chinese goods would be unsalable here. The first victims would have been American consumers, who buy Chinese shoes, clothes and toys because they are cheap.

The next victims? About 150,000 employees of U.S. high-technology firms. China buys $7.5 billion a year of American advanced products, such as aircraft and telecommunications equipment. Beijing has threatened to end such purchases and would do so.

No other nation would join the United States in imposing trade sanctions on China, which has the world's third largest economy and 1.17 billion potential customers. Instead, our "gallant allies" and "trading partners" would seek to replace American business.

Leading the pack would be Airbus Industrie, the four-nation European consortium that will gladly sell its aircraft anywhere that the Boeing Co. cannot.

Does this mean we should do nothing about China's transgressions? No. Stay engaged. Keep pushing. Have patience. * * *

TRIBUTES TO CHIEF JUSTICE C.B. MADAN OF KENYA

Mr. PRESSLER. Mr. President, as our Nation's attention turns to the selection of a new Justice of the U.S. Supreme Court, I would like to draw to the attention of my colleagues some of the accomplishments of the distinguished Kenyan jurist, Chunilal Bhagwandas Madan. Justice Madan was appointed to the Supreme Court of Kenya in 1961. He served as chief justice of that court from 1985 until his untimely death in 1989.

I came to know about Chief Justice Madan's contributions to the rule of law in Kenya through my acquaintance with his son, Anil Madan, an attorney in Boston. As we deliberate in the near future on the nomination of a new Justice to our own Supreme Court, we will be thinking of those special qualities we desire in the members of our highest court. Many principles of jurisprudence are universal, as the growing body of literature on comparative judicial systems demonstrates. The qualities of juridical practice and behavior also are universal in many respects.

For these reasons, Mr. President—the impending consideration of a new Justice of the U.S. Supreme Court, and the outstanding examples of jurisprudence displayed by the former chief justice of the Supreme Court of Kenya, the Honourable Chunilal Bhagwandas Madan—I ask unanimous consent that several tributes to Chief Justice Madan, as published in the November 1989 edition of the Nairobi Law Monthly, be printed in the RECORD.

There being no objection, the tributes, were ordered to be printed in the RECORD, as follows:

TRIBUTES

A JURIST OF CONSIDERABLE STATURE

(By A.R.W. Hancox C.J.)

The Late Chunilal Bhagwandas Madan who died at the age of 76, had a long and distinguished career in politics, at the Bar, and on the Bench. He was called to the Bar by the Middle Temple, London, in July, 1935 and enrolled as an advocate in Kenya in 1937, after which he practised in Nairobi for some years. He became successively a member of the Municipal Council, President of the Social Service League, of the Law Society and of the Nairobi Indian Association.

In the course of his political career he became parliamentary secretary to the Ministry of Commerce & Industry, Minister of State and a delegate to the famous Lancaster House Conference to chart independence for Kenya in 1960.

Thereafter, already a Queen's Counsel, he became a judge of the High Court in 1961 and a judge of Appeal in 1977. He acted as Chief Justice of Kenya on three occasions, before finally being appointed substantively to this high office in 1986.

I had the honour to appear before Madan J. as he then was. When I was in the Attorney-General's Chambers in 1961 and in 1962 and I will always recall the wisdom and sense of justice which he displayed in the cases which came before him. Little did I think in those days that I would eventually sit as a brother judge with him, both on the High Court and on the Court of Appeal, and eventually succeed him to this position.

Those of us who knew and worked with Chuni Madan closely will agree that he was a jurist of considerable stature. He was described in the press recently as the most independent minded of all the Chief Justices since Independence, and this is reflected in one of his pronouncements in a Mombasa case when he said: "I do not consider myself bound by the English & Indian decisions, good law though they may be. I feel free to make my own decisions."

The law reports of the Kenya High Court and of the Court of Appeal abound with his decisions and many of them are legal milestones. Perhaps his best known case in recent years was the memorable *Githunguri* case in the High Court, but the one which mirrors most accurately his independence of mind, and the fairness and objectivity with which he approached his cases, coupled with a desire to do justice to an individual, was to my mind a case dealing with the premature retirement of a public officer without his being given an adequate opportunity to state his case. He said as follows: "This was a breach of the requirements of natural justice which imperatively impose the obligation so to act. Our system of law is bound by the salient requirements of natural justice. The appellant may or may not have been physically fit, he may also have had other reasons valid or otherwise, why he should not be called upon to accept office, for example, that his employment by the Credit Finance Corporation Limited did not necessarily require him to live in Nakuru.

"The reasonable opportunity to meet a prejudicial demand must be afforded in clear terms without it having to be gleaned from or read into correspondence, which itself is silent on the subject as the Corporation's letter of the 15th June, 1977 was. The letter was really an ultimatum to the appellant to accept office without objection, failing which the dire consequences set out in section 10(1) would be meted out.

"It may be that there are some who decry the importance which the courts attach to the observance of the rules of natural justice. "When something is obvious, they may say 'why force everybody to go through the tiresome waste of time involved in framing charges and giving an opportunity to be heard?' The result is obvious from the start. 'Those who take this view do not, I think do themselves justice! As everybody who has anything to do with the law well knows, the path is strewn with examples of open and shut cases which, somehow, were not of unanswerable charges which, in the event, were completely answered; of inexplicable conduct which was fully explained; for fixed and unalterable determinations that, by discussion, suffered a change. Nor are those with any knowledge of human nature, who pause to think for a moment, likely to under-estimate the feelings of resentment of those who find that a decision against them has been made without their being afforded any opportunity to influence the course of event."

All of us are here today to mourn the passing of an eminent judge, who was at the same time a man who had a place in his heart for all of us, as we, indeed, have for him.

HE BELONGED TO ALL KENYA BY HIS SON

On behalf of my mother & Sister who are here today, I want to thank you for inviting us to join you as you pay homage to the memory of one of your leaders—my Dad.

My mother often tells us that Dad used to say "There is no greater religion than truth". When you, as members of a Religion body recognize the greatness that he cast in this country, you achieved a greater sanctity—because it is your ultimate function to engage in the pursuit of truth. For that we appreciate your kindness in taking the time to honour Dad.

I would be remiss however, if I did not point out that we make monuments and have memorials more for ourselves than for those we honour. This is perhaps as it should be for their memory sustains us and inspires us.

It is the sincere hope of our family that you as a community, will use this occasion as a springboard to focus on doing what he practised and advocated always—that each of you should become an integral part of a multiracial society in Kenya. He proved that as an Indian it was possible to participate at the highest levels of public service—as a Minister, as a judge, as a Presiding Judge of the Court of Appeal, and as Chief Justice of Kenya. It is for each of you to capture that spirit—in public life or in private enterprise.

Dad also said that he believed in the wisdom that Justice must not only be done—it must be seen to be done. Therefore, visibility in the pursuit of what was just and right did not concern him—he was a man who stood up for what he believed to be right and just—and stood at the forefront.

In his message, His Excellency President Moi said that Dad served the country with devotion and a resolute mind of fairness and justice.

The drafting of the Constitution of Kenya in which he participated was no idle exercise. To him it was a call to duty—a duty which he embraced. The circumstance of Kenya's independence was welcomed by him for he truly believed that no right sustained the Colonial subjugation of its people.

It is largely due to his beliefs that Kenyans enjoy continued prosperity and freedom.

For all this it is fitting that you honour the judge, Kenya's former Chief Justice and in gratitude pledge yourself to accomplish the end he sought—when each of you in this community would be like him and recognize that to truly gain from this country, you must give yourselves to it—become part—a complete part of Kenya.

Thank you for sharing in our irreparable loss.—ANIL MADAN.

HE EMBODIED CHRISTIAN VALUES OF JUSTICE MORE THAN MOST CHRISTIAN JUDGES

(By the Rev. Dr. Timothy Njoya)

He epitomized the values of justice for all. Madan was a Kenyan-made professional who embodied Christian values of justice more than most Christian judges.

Madan encouraged many believers in the supremacy of justice to struggle for human rights within the established systems in order to purify the image of the national institutions against any discredits by biased and unjust people. For this reason I miss justice Madan as a person but will continue to treasury his philosophy of jurisprudence for ever. Amen.

HE STOOD AT ALL TIMES A FIRST AMONG EQUALS

(By F.N. Ojiambo)

We pay homage to, as well as celebrate, the memory of one who, for over half a century, stood at all times a first among equals. In my respectful submission, it borders on the imprudent for me to attempt in this short time a description of the late Mr. Justice C.B. Madan, QC, who passed away in hospital in the early hours of Friday, 22nd September, 1989. Yet it would be a grave omission not to speak of such a one.

Pray tell, my Lords: how does one such as I speak of another endowed with such a formidable *curriculum vitae* as Mr. Justice Madan? Which of his many excellent and competing facets must one draw out to achieve the fullest account of his personality? Of those gathered here this morning only to a few has any more than a third of his eventual adult life been exposed.

For Chunilal B. Madan was born in Nairobi on 11th November, 1912. He was first educated in Kenya then England, where he was called to the bar at the Middle Temple in 1936, on or about his twenty-first birthday. He was the youngest ever barrister at the Temple. He established a legal practice in Naibori in 1937 and vigorously pursued it until his debut into politics in 1940.

The question must always be posed by those who have had the privilege of appearing before Mr. Justice Madan as to what contributed most to his very high sense of justice and unflinching adherence to the principle of the rule of law?

Was it his political past: first, as an elected member in the Municipality of Nairobi from 1940 and later, from 1948, in the Legislative Council, where he rose, through the position of Parliamentary Secretary to the

Ministry of Commerce and Industry in Kenya to the high office of Minister of State without portfolio? Or was it his deep, single-minded and moral involvement in social action. For years he served as a governor on two boards of medical institutions—The MP Shah Social Service League Hospital and Aga Khan Platinum Jubilee Hospital—and as a life member of the SOS Children's Village, amongst other similar bodies. He also invested his energies in other areas of common good. No doubt, his commitment to his family and the principles which make for good families had something to do with it.

However, it is perhaps as a lawyer that we shall best remember the late Mr. Justice Madan. In the Law Society of Kenya he served as honorary Treasurer between 1949 and 1954 and was twice its President (as the Chairman was known then). He was appointed to the High/Court bench on 28th March 1961 and in 1977 became the presiding judge of the Kenya Court of Appeal. In 1985 he was appointed Chief Justice, a position he held until his retirement. The wealth of learning and experience that Mr. Justice Madan had gathered over this long period coalesced in his position as a Judge. So persuaded was he on the correctness of doing what is right that he would not hesitate to break new ground if justice demanded it. This courage of conviction came out clearly in his speech in the case of Thomson Smith Aikman & Others vs Bernard Kimani Muchoki & Others (NBI) C.A. 9 of 1982 in which his Lordship said: ". . . the court ought never to condone and allow to continue a flouting of the law. Those who flout the law by infringing the rightful title of others, and brazenly admit it, ought to be restrained by injunction. If I am adding a new dimension for the grant of an interlocutory injunction, be it so." In this same vein he became the first judge to grant to an applicant bail in anticipation of the arrest and arraignment before a court of the applicant.

That, my Lord, is judicial courage. The conviction that law must always remain sacrosanct whoever the parties, whatever the prevailing circumstances.

But courage alone does not make a good judge. They must, as Mr. Justice Madan himself once wrote, must be ". . . men of honour and scholarly . . . judicious individuals * * * imbued with reason * * * dependable (and) act upon consecrated principles * * * jealously scrupulous and impartial * * * free from doubt bias and prejudice * * * carry the conviction of the correctness of their decisions * * * torch bearers of stability of society * * * strugglers for liberty * * * advisers instead of adjudicators. (M.M. Butt v The Rent Restriction Tribunal (NBI) C.A. 15 of 1979)"

Judge Madan was the epitome of all that. His pronouncements were characterized by his inborn, and carefully cultivated and manicured, humility. His self-effacing disposition will be too well known to require further elucidation here. His manner must, in may respectful estimation, be the countenance which justice normally wears when she deals in mercy. Deeply spiritual in his perception of the mundane details which came before him in the form of legal conundrums, Mr. Justice Madan did not fail to apply himself such as to do what is right.

The life of the late former Chief Justice must always stand up as a word of counsel to our judicial system. It must be a cry for a paradigm shift form a possible dispassionate and rigid enforcement of legal principles towards a softer, more humane, more understanding system. A system which not only promotes respect for the law but also maintains the dignity of our hallowed courts.

And so, my Lords, we mourn the departure of Chunilal Madan, but forget not the pillars he has erected to posterity. To his widow, close family, relatives and friends—and indeed to us—his passing was not only a massive blow, but a tremendous loss.—CHAIRMAN, LAW SOCIETY OF KENYA.

BRINGING DIGITAL TELECOMMUNICATIONS TECHNOLOGY TO ABERDEEN AND NORTHEASTERN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, recently I had the opportunity to meet with Mayor Tim Rich and other community leaders of Aberdeen, SD. Economic development was the central issue of discussion. Aberdeen, along with other small cities and towns in northeastern South Dakota, are seeking opportunities for new businesses. However, Aberdeen's telecommunications capabilities are working against its efforts to promote long-term development. In fact, I was surprised to learn that Brown County—the county that includes the city of Aberdeen—and the neighboring 14 counties in northeastern South Dakota are using outdated analog-based telecommunications equipment provided by their common carrier, U S West.

It is not surprising that telecommunications infrastructure has become vitally important to local governments. Advanced telecommunications equipment—such as digital switching and transmission services—is a necessary ingredient to attract and retain businesses.

We are at the threshold of a new technological age—one of information superhighways, distance learning, and videoconferencing. The prospects are exciting. However, without up-to-date telecommunications systems and equipment, entire communities would be left behind in an economic and technological Stone Age. As a member of the Senate Communications Subcommittee, I intend to ensure that all communities—small cities, towns, and rural areas—have access to the growing information superhighway.

Keeping pace with technological change requires investment. That is easier said than done. For any government seeking top-of-the-line systems, that requires working with a common carrier. Common carriers generally are responsive to the needs of large urban areas. The reason is obvious: Economically, the carrier expects to realize a greater return on such investments.

Indeed, it is difficult to pick up a newspaper or weekly newsmagazine and not be able to read about major investments in new, multinational telecommunications ventures. In recent years, U S West—South Dakota's principal provider of phone and telecommunications services—has invested hundreds of million of dollars in international projects. According to the publication Telephone Week, U S West's international investments totaled more than $820 million at the end of 1991. According to a recent study prepared by McGraw-Hill, U S West plans an additional $800 million in international investments over the next 5 years. These ventures consist of cable televisions, cellular systems, and personal communications networks in European cities stretching from Manchester, England, to Moscow, Russia. Just last year, U S West and other cable-based firms formed joint ventures to explore European cable opportunities. U S West also is collaborating with Russian Government officials on the construction and operation of three new international gateway digital switching telephone systems. I could go on and on, but the bottom line is clear: U S West is not wasting any time bringing Europe to the forefront of the telecommunications race.

The telecommunications race is heating up here at home as well. In what one FCC Commissioner described as a "sign of things to come," U S West invested $2.5 billion for a 25.5 percent stake in Time-Warner Entertainment, which includes operations in cable services and programming. It is expected that this alliance will develop new full-service cable networks, which means new channels and programming, including interactive television.

This greater attention to new services and programming sounds exciting. However, if a community does not have an advanced telecommunications infrastructure, many of these new services will be meaningless.

Mr. President, I am concerned that small cities and towns could get left behind in this telecommunications revolution. At present, many of these communities are struggling for a place on the information superhighway. I do not intend to see South Dakota communities left behind in this new information age.

I am pleased to report that the people of Aberdeen and the surrounding communities also will not allow technological change to pass them by. On Wednesday, June 2, 1993, the South Dakota Public Utility Commission met in Aberdeen to hear testimony from U S West, AT&T, and their customers. The purpose of this meeting was to discuss what equipment and services are needed to bring northeastern South Dakota into a new age of advanced, digital communications technology.

I strongly support Aberdeen's efforts. I stand ready to work with Aberdeen and other communities in South Dakota. It's time for U S West to invest in Aberdeen and other small cities with the same degree of enthusiasm and interest it devotes to its operations in larger cities and foreign countries.

As my colleagues well know, telecommunications infrastructure is one

of the most important issues this Congress will discuss. Our Nation's economic vitality rests largely on an advanced telecommunications network. Businesses seek the ability to send complex information at the speed of light to any point in the Nation or around the world.

Community leaders recognize that in this information era, telecommunications capabilities are as vital as water and sewer lines. So it is encouraging to see telecommunications firms investing in global communications networks. Such investment will bring the nations of the world closer together.

However, that investment should not come at the expense of smaller cities and towns. Investment in modernization must lift all telecommunications systems, whether in Brooklyn, NY, or Brookings, SD. Telecommunications investment should not create a two-tiered system of haves and have-nots.

Many small cities and towns like Aberdeen are struggling to attract new businesses. Outmoded telecommunications facilities should not be a barrier to future economic growth. Therefore, upgrading existing telecommunications facilities and services is vital.

Ironically, in my State of South Dakota a two-tier system of haves and have-nots is emerging among smaller communities. How is this happening? It is occurring because smaller cities served by independent phone cooperatives are working with their communities to upgrade existing systems. Meanwhile, smaller communities in northeastern South Dakota serviced by U S West are still operating with outdated analog equipment. In addition, neither AT&T, MCI, nor any long distance carrier have a real point of presence in northeastern South Dakota.

What does all this mean? First, it means higher costs. It costs a businessman in Aberdeen more to send data to Minneapolis than it costs to send data from Minneapolis to California. Second, data transmission speeds are not fast enough—it takes too long to send a couple of blueprints or data sheets to Minneapolis from Aberdeen. Faced with higher costs for slow transmission, the Aberdeen businessman literally is paying more for less. Only larger businesses can afford the private, point-to-point digital capabilities needed for video conferencing or high-speed data transmission.

However, it is not just the small businessman who is hurt by outdated technology. Doctors and hospitals cannot take advantage of developments in telemedicine. Personal computer users cannot reach an access node, which would make connection to on-line bases affordable. Schools and libraries would not be able to tap into research materials from around the world. But most important, entire communities would be unable to hold on to existing businesses or attract new ones.

Advanced digital technologies and services responsive to community needs can change this. With digital switching, small and medium-sized companies could afford video conferencing to link dispersed manufacturing facilities and save on travel time and costs.

High-speed data lines could make the difference for companies like Super 8 Motels in deciding to remain in Aberdeen, or other communities. These communities would have the ability to attract the next generation of businesses—new, information-intensive, technology-driven companies. Why? Because community leaders could finally answer "yes" to the question: "Is your information infrastructure digital?"

Digital technologies also can play a vital role in delivering sophisticated and cost-effective health care services. Doctors in small town hospitals could watch and consult in operations at clinics in the surrounding counties as they occur. Many area hospitals do not provide obstetric services because of liability problems. Patients in Milbank, Mobridge, and Huron could use video conferencing to consult with their obstetrician in Aberdeen. Also, the town of Ipswich has closed its hospital. To meet patient demands there, a doctor in Aberdeen could perform examinations with video conferencing and the help of a physician's assistant in Ipswich. With high-speed data links, diagnostic data could be shared immediately, not only among hospitals in the area, but also with specialists at the Mayo Clinic or University of Minnesota Hospitals. Digital technology is a cost-saver for doctors, hospitals, and—most important—patients, who won't have to travel hundreds of miles for quality medicine care.

I am pleased to report that constructive steps are being taken to address this real need. As I stated earlier, representatives from U S West and AT&T met with the South Dakota Public Utilities Commission and concerned citizens last week in Aberdeen. At this meeting, the present and future telecommunications needs of the Aberdeen area were discussed.

Now we must be sure that the next steps are taken. We must insist that communities large and small have the most advanced telecommunications equipment possible.

We're already seeing U S West and others investing billions in international and entertainment ventures. Those investments offer an exciting future—a future in which all Americans should be able to take part.

Looking toward an international telecommunications future does not mean the phone companies should turn their backs on their domestic customers. U S West can demonstrate that level of commitment by working with the people of Brown County and the other affected communities, and give them the telecommunications equipment they need to keep pace with technological change.

To achieve this kind of universal service requires community involvement and input. With the participation of Congress, State public utilities commissions, the phone companies, and community and business leaders, the coming high-tech future will be available to all Americans to enjoy.

JACK McCULLOH: A REAL PIECE OF WORK IN A COWBOY HAT

Mr. PRESSLER. Mr. President, the wonders of American agriculture tell a story that is told often enough. America is preeminent in agriculture. In no workplace in the United States and even around the world is there found greater productivity, cooperation, neighborly concern, creative use of applied science, hard work, and independence than on the American farm and ranch. It gives me great pride to note the ability of American farmers and ranchers to provide abundant and high quality food and fiber for our citizens and millions more people throughout the world. This is why I love to tell the story of the American farmer and rancher—truly a wonder of the modern world.

Orion Samuelson, farm service director for WGN Radio and Television, who is heard daily on his syndicated national farm report, last year addressed South Dakota's first Livestock Congress in Brookings, SD. In his address, he stated:

> When the final book is written, the true soldiers of peace are not the ones who fire the rockets or guns or drive the tanks. They are the ones who put food in hungry stomachs around the world.

He further said that farmers must work to tell their story.

Permit me to share one such story—that of Jack McCulloh, of Rapid City, SD. Jack recently announced his retirement as executive secretary of the South Dakota Stockgrowers Association. Jack has provided me with invaluable advice and counsel throughout my years in the House and Senate. He will be missed greatly.

Mr. President, the cattle industry is the largest single segment of South Dakota's economy. Jack McCulloh is a stalwart of the South Dakota livestock industry. The South Dakota Stockgrowers Association has served South Dakota cattlemen for more than 100 years, and Jack McCulloh has served as its executive secretary for the past 35 years. The South Dakota press recently captured his essence: "Jack McCulloh: A real piece of work in a cowboy hat." I could not have said it better. I tip my hat to Jack.

Jack's leadership has helped shape the South Dakota livestock industry. His accomplishments are many, too

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many to list here. But for those who know him, they'll agree that his boots will be hard to fill. Some of Jack's accomplishments include: establishment of the State national beef check-off and marketing programs to promote beef and leadership in the creation of ag unity in South Dakota, and a permanent fund to provide scholarships and activity funds for the boys' clubs and 4–H.

Jack always is on the cutting edge. I share his assessment that telecommunications and the computer age have had, and will continue to have, a tremendous impact on the cattle industry. Jack knows that to make cost-effective decisions, ranchers need to understand domestic market forces, world markets, and how they change with the national and world economy. A basic knowledge of electronics and computers will permit farmers and ranchers to adapt to changes in the global economy. Knowledge of advances in technology and science will enable producers to respond imaginatively, and enhance their profitability. Indeed, there are no limits to the technology with which farmers and ranchers must become acquainted.

Mr. President, it is Jack's hope, and mine, that efforts will continue to be made to help young people get started in farming. They are the future of agriculture in South Dakota as well as America. I know Jack will continue working to encourage and assist our young farmers and ranchers to make a living off the land.

As I stated before, the wonders of American agriculture tell a story that is not told often enough. It is a story of proud Americans doing their part in the world's most proficient industry. There are more stories that need to be told. I will continue to tell the many stories of South Dakota men and women who, like Jack McCulloh, contribute to the greatest story ever told—American agriculture.

Mr. President, I ask unanimous consent that an article on Jack McCulloh be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REAL PIECE OF WORK IN A COWBOY HAT

(By George Thompson)

SPEARFISH, S.D.—On June 8, South Dakota cattlemen will honor one of the warriors of this industry when the South Dakota Stockgrowers Assn. holds a banquet-roast for its retiring executive secretary Jack McCulloh.

For over three decades McCulloh has served cattlemen and agriculture on the national, regional and local levels. Jack McCulloh is an institution. He's "a real piece of work in a cowboy hat."

Jack came to the South Dakota in 1958. In that time he has worked for 19 different presidents and was acquainted with eight others. Through McCulloh's efforts the association blossomed and helped develop the livestock business into a vital, powerful entity that is the state's number one industry.

In his retirement announcement the executive secretary said, "I went to work for the South Dakota Stockgrowers 35 years ago. For personal reasons I plan to leave full time employment with the association on April 30. The association has served the cattle industry for over 100 years. I hope the association will serve another 100 years. It was fascinating to be part of what some of those leaders accomplished."

Those leaders think Jack accomplished more than a few things too.

"I was active in the South Dakota Junior Stockgrowers when Jack McCulloh came to the association as executive secretary in 1958. Most of my life that I have been involved in the association has been with Jack. I remember when I was elected vice-president in 1980. I went to the office a few days later to visit with Jack and try to get up to speed. I left about 10 hours later with more information that Jack threw at me than I'll ever absorb . . . Jack's educational projects never stopped. He has a unique ability to glean facts and figures from an enormous amount of material and to digest and understand the content," said Ralph D. Jones, past president from Midland, S.D.

Some of McCulloh's accomplishments include: the establishment of the state national Beef Check-off, a marketing program to promote beef marketing, research and education; helping establish Ag Unity, a coalition of ag commodity groups that pursue positive industry policy and legislation; setting up a permanent fund to help youth through scholarships and activity funds for the boy's club and 4–H; a producer financed livestock ownership and brand inspection laws and creating a statewide organization that budgets by activity and has been financially sound.

"Taking office as Stockgrower president in 1986, I found Jack ready to lay out in detail the things that needed to be done, and he was willing to do whatever was needed. This provided an invaluable continuity I found very helpful and necessary," said Skee Rasmussen, Belvidere, S.D.

McCulloh, 62, is a native of Idaho and a graduate of Washington State College in Pullman. Prior to joining the association he was associate editor and a field representative for the Western Livestock Journal in Billings, Mont.

Jack and his wife Dorothy will retire to their home in Rapid City. McCulloh, at a recent retirement party, said he plans to do "about a year's worth of chores around the house" and to do some traveling.

"The thing that I always think of first in my relationship with Jack McCulloh is his character . . . complete, absolute, basic honesty," said Tom Landers, Hot Springs, S.D.

"Jack McCulloh will be missed by those of us who knew him in any way, but especially by all in the South Dakota Stockgrowers and livestock industry," John Glans, Chamberlain, S.D. "He was a dedicated, sincere and very well-informed individual. His greatest desire for the industry was to get us in the industry involved. Many times Jack has commented how important it was for our membership to testify before legislative hearings. He said. "They always come to me, but it is you they want to hear." Those of us who had the privilege of being presidents or directors of the South Dakota Stockgrowers were indeed privileged," John concluded.

"Your number eight hat encases a head crammed full of needed facts for every occasion. The association will miss you." said Walt Bones, past president and director from Parker, S.D. "Thanks for being a good friend and thanks for everything you did for the South Dakota Stockgrowers Assn."

The Jack McCulloh retirement banquet and roast gets underway at 6:30 p.m. pool side at the Northern Hills Holiday Inn. Undoubtedly there will be many more people who will want to step forward to pay tribute to this "real piece of work in a cowboy hat." . . . Jack McCulloh, executive secretary, South Dakota Stockgrowers Assn., 1958 to 1993.

WORLD CONFERENCE ON HUMAN RIGHTS

Mr. PELL. Mr. President, the U.N. World Conference on Human Rights takes place in Vienna, June 14–25, 1993, at the invitation of the Government of Austria. The last such high-level conference on human rights took place in Teheran in 1968.

Respect for human rights and democracy is deeply rooted in America's history and codified in our Constitution's Bill of Rights. although it took almost 200 years before all Americans came to share the protection of the Constitution, citizens of our country are free from torture and arbitrary detention, free to express their opinions, free to worship, and free to participate in our Government.

But these rights are not only for Americans. They are universal and thus belong to people everywhere, regardless of their ethnic, religious, or cultural background. Where you live should not determine whether you will be imprisoned, tortured, or killed merely for expressing your beliefs. While a growing number of countries do respect these rights, they continue to be under severe challenge in many countries, including Bosnia, Burma, China, Cuba, Indonesia, Iran, Iraq, Tibet, and Sudan.

The U.N. World Conference on Human Rights presents an historic opportunity to reaffirm the universality of those rights which are enshrined in the U.N. Charter and in the 1948 Universal Declaration of Human Rights.

The conference will assess the progress made in the protection and promotion of human rights since the adoption of the Universal Declaration of Human Rights in 1948, and identify obstacles to further progress. In addition, the conference will make recommendations for strengthening international cooperation in the area of human rights, ensuring universality and objectivity in the consideration of human rights issues, enhancing the effectiveness of U.N. activities and securing increased resources for those important responsibilities.

The Preparatory Committee for the World Conference on Human Rights concluded its final session in Geneva on May 8, by adopting a draft final document to be considered by the World conference in Vienna.

One hundred fifty-four member states of the United Nations and 160 non-

governmental organizations took part in the work for the Preparatory Committee. although governments have reserved the right to change the text of the draft document at the World Conference, it provides a significant focus to achieve universal support of Human Rights principles and constructive action for the future.

I applaud the commitment of President Clinton and his administration to the principles of human rights and the role the United States will play at the World Conference. Secretary of State, Warren Christopher, will head the United States delegation. Our distinguished former colleague, Tim Wirth, Counselor for Global Affairs, will serve as Chairman, while Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, will be the U.S. Representative to the World Conference. Geraldine Ferraro will serve as Alternative United States Representative and Former President Jimmy Carter has accepted Secretary General Boutros-Ghali's invitation to attend the conference as a distinguished guest. With this leadership and the support of the other distinguished members of the U.S. delegation, I am certain our country will be ably represented at this important conference.

Assistant Secretary of State John Shattuck spoke of the importance of the World Conference on Human Rights at his nomination hearing before the Foreign Relations Committee on May 7, 1993:

The World Conference on Human Rights * * * presents the United States, and indeed the world, with a unique opportunity to reaffirm the principle of universal application of human rights around the world, and it is the highest goal of the Administration—to be able to move forward to urge the universal application of human rights at this moment in history.

He set forth the Clinton administration's fundamental goals for the World Conference on Human rights as follows:

I believe the Conference should reaffirm the universality of human rights as defined in the Universal Declaration of Human Rights and help to strengthen the UN's ability to promote and protect human rights. Specific goals include:

Improve the structure and effectiveness of the UN system for protecting and promoting human rights, and ensure adequate resources for the Human Rights, and ensure adequate resources for the Human Rights Center to carry out its tasks;

Urge more UN assistance for administration of justice and rule of law programs, e.g. drafting constitutions, conducting elections, and eliminating torture;

Place new focus on conflict resolution, especially along ethnic, religious, and racial lines;

Support creation of a new High Commissioner for Human Rights as a way to strengthen UN efforts;

Integrate women's and children's rights in the UN human rights system more effectively;

Guard against efforts to "particularize" human rights to hide abuses behind walls of sovereignty, or to make foreign economic assistance a precondition for human rights compliance.

These goals are included in the U.S. Human Rights Action Plan for the Conference. I ask unanimous consent that the U.S. Human Rights Action Plan for the conference be included in the RECORD at the conclusion of my remarks.

It is my understanding that the Administration has consulted closely with non-governmental organizations in its preparations for the conference, and sought their views while drafting this action plan. I am delighted to see the administration and non-governmental organizations working together in this fashion to realize common objectives.

Concerns have been expressed that the creation of a new High Commissioner for Human Rights, at the time of financial difficulties at the United Nations, would add to the costs and bureaucracy of that organization. Assistant Secretary Shattuck addressed those concerns during his confirmation proceedings.

I strongly agree that the UN should operate based on sound management principles. At the same time, the UN needs a powerful advocate to coordinate and to promote the cause of human rights.

I believe the creation of an Office of the UN High Commissioner for Human Rights is a promising way of energizing the promotion of human rights effectively around the world and providing needed support to the UN Human Rights Center through a process of integration and reorganization of existing activities rather than new appropriations.

In my view, a High Commissioner would have several important functions:

Serving as the UN champion of human rights, implementing decisions of intergovernmental bodies, and dispatching, on his own initiative, additional rapporteurs, special envoys, or selected missions to monitor egregious violations;

Supervising UN human rights-related secretariat units;

Leading efforts to expand the UN's overall capability for promoting human rights, including through the expanded provision of technical assistance; and

Coordinating with other elements of the UN system to ensure that human rights concerns receive proper attention and consideration in operational decisions.

Mr. President, I applaud the Clinton administration's goals for the World Conference on Human Rights in Vienna.

We must, of course, look beyond the World Conference to the longer term. This ambitious agenda cannot be completed in two weeks in Vienna, nor should we expect it to be. However, we can work with other nations at the World Conference to reaffirm our commitment to these fundamental principles and agree to implement them so that every man, woman, and child can enjoy their inalienable rights.

Throughout much of our history, the United States has provided moral leadership to the rest of the world. We must now be in the forefront of those members of the international community who are supporting international human rights standards.

Congress can do much to help achieve that goal. In 1990 the Senate gave its advice and consent to the U.N. Convention Against Torture. Regrettably, the implementing legislation for the convention was incorporated by the Bush administration in the crime bill, which failed to pass both Houses of Congress in the last session. It is imperative that the implementing legislation for the convention be passed soon, so the United States can ratify the Torture Convention this year.

I am pleased to note that the International Covenant on Civil and Political Rights was approved by the Senate on April 2, 1992, and entered into force for the United States on September 8, 1992.

Currently there are four additional international human rights treaties pending before the Foreign Relations Committee: the Convention to Eliminate Racial Discrimination; the Convention to Eliminate All Forms of Discrimination Against Women; the American Convention on Human Rights; and the International Covenant on Economic, Social and Cultural Rights.

I look forward to working with the Clinton administration to achieve Senate advice and consent and ultimate ratification of these treaties.

The Foreign Relations Committee also has pending before it Protocol II to the 1949 Geneva Convention, submitted to the Senate in 1987 by the Reagan administration. Protocol II codifies fundamental provisions of the rules of war governing noninternational armed conflicts. These include humane treatment and basic due process for detained persons, protection of the wounded, sick and medical units and protection of noncombatants from attack and deliberate starvation.

The Reagan administration did not submit to the Senate the more comprehensive protocol I applicable to international conflicts. To date, 120 governments have ratified protocol I—in most cases both protocols. Among those ratifying are Australia, Canada, and Germany, with the United Kingdom reported on the verge of ratification.

Protocol I is the leading codification of the rules of international armed conflict for the protection of civilians. It has taken on fresh importance with the pending war crimes tribunal for the former Yugoslavia, as it expands the description of grave breaches of the conventions to include additional inhumane practices against civilians. Protocol I addresses such important abuses as direct attacks on civilians, indiscriminate shelling, siege warfare, starvation of civilians as a weapon of war and interference with the delivery of humanitarian assistance. Protocol I

also holds superiors responsible if they do not take all feasible measures to prevent war crimes, and deals with crimes against the environment.

I am pleased the Clinton administration has agreed to review the issue of ratification of these important protocols, and I look forward to their consideration by the Senate.

There being no objection, the action plan was ordered to be printed in the RECORD, as follows:

DOCUMENT: U.S. DRAFT HUMAN RIGHTS ACTION PLAN

I. A HIGH COMMISSIONER FOR HUMAN RIGHTS

An office of High Commissioner for Human Rights should be established in order to energize UN programs on human rights and ensure human rights takes its proper place as one of the key pillars of the United Nations system as set out in its Charter.

The High Commissioner should:

Be champion and spokesperson for the promotion and protection of human rights around the world;

Oversee the implementation of decisions of all UN human rights bodies;

Assume responsibility of human rights issues in the areas of peace-keeping, peacemaking, and humanitarian assistance;

Coordinate all UN human rights programs, and encourage and facilitate coordination, cooperation and information sharing among all UN system and humanitarian organizations including UNDP, UNICEF, WHO, ILO, and others;

Request the Secretary General to bring to the attention of the Security Council serious violations of human rights when they threaten international peace and security; and

Have independent authority to dispatch special envoys on fact-finding missions and to undertake other initiatives to promote human rights.

The High Commissioner should have line authority for all UN human rights units, including the Human Rights Center, the Center Against Apartheid, the Division of Palestinian Rights, the Electoral Unit, and any other such bodies. All these units should be consolidated in Geneva.

The High Commissioner should be appointed by the Secretary General for a fixed term. The position should be at the level of Under Secretary General.

B. A United Nations approach

Human rights should be an integrated element of all UN peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities. The UN's expert human rights bodies should be fully involved in the planning, implementation, and follow-up of such activities.

All efforts should be undertaken to ensure that the human rights activities of all UN agencies—and in particular, UNDP, UNICEF, ILO, UNESCO, and WHO—are properly coordinated with the Human Rights Center. These would also include commissions with human rights concerns, such as the Commission on the Status of Women and the Crime Commission.

Governments, the UN, and regional intergovernmental institutions should recognize non-governmental organizations as full partners in the field of human rights.

The Human Rights Center should be authorized to place representatives in UN regional and sub-regional offices.

C. Human rights and peace-keeping

Human rights work should be included in peacekeeping operations, as has been done with ONUSAL (El Salvador) and UNTAC (Cambodia).

The UN Department of Peacekeeping should include a human rights specialist with close links to the UN Human Rights Center.

II. IMPROVING UN EFFECTIVENESS IN THE FIELD OF HUMAN RIGHTS

A. Strengthening advisory services

The UN Human Rights Center's advisory services and technical assistance program should be greatly expanded to enable it to respond promptly and effectively to requests from states for assistance with human rights programs.

The Human Rights Center should:

Develop expertise on the administration of justice and rule of law, national institutions in support of democracy, human rights training for public officials, and human rights education, as part of a program to strengthen democracy worldwide.

Establish special rosters of experts available to advise and assist requesting governments with specific human rights problems, particularly torture, conflict resolution, and promoting respect for diversity and for members of minority groups.

Be strengthened so it can respond to requests or proposals from the treaty bodies and special rapporteurs and from international agencies for specific assistance to states in need.

The Human Rights Commission should take into account and encourage awareness and respect for human rights standards and supervisory efforts of other UN system agencies, particularly basic ILO standards for worker and human rights, equality, and protection against discrimination, including those for migrant workers.

The Human Rights Center should undertake a comprehensive overview of the links between peace-keeping and human rights.

Attention must be given to what happens when a UN peace-keeping force withdraws; the Human Rights Center should have a role in follow-up operations.

III. PROVIDING RESOURCES TO PROMOTE HUMAN RIGHTS

Recognizing that a serious obstacle to the UN's ability to further human rights is the lack of resources, efforts should be made to ensure that resources apportioned to human rights are in accordance with the priority given to human rights in the UN Charter. Thus, a substantially greater portion of UN resources should be devoted to human rights.

States should contribute to the UN voluntary funds designed to promote human rights, particularly the Voluntary Fund for Advisory Services.

The amount of bilateral and multilateral development assistance devoted to human rights programs and to the strengthening of democracy should be greatly increased.

All multilateral development agencies and specialized agencies—including in particular, the World Bank, UNDP, UNICEF, UNESCO, and ILO—should continue to undertake human rights programs and should integrate human rights concerns into all their activities.

Given the strong relationship among human rights, democracy, and development, donors and multilateral agencies should give priority to programs in states that promote and protect human rights and democracy.

IV. STRENGTHENING UN HUMAN RIGHTS MECHANISMS

A. Improving the human rights treaty system

The effectiveness of the human rights treaty body system should be improved.

Treaty bodies should be encouraged to call for special reports when emergency situations arise concerning states parties to the treaty.

Treaty bodies should be empowered to make recommendations including proposals for advisory services.

Treaty bodies should develop follow-up mechanisms for situations in which human rights problems continue to occur in states which have not implemented recommendations of the treaty bodies.

Treaty bodies should proceed with information from other sources when states do not provide required reporting.

Non-governmental organizations should be integrated in a more structured way as sources of information in the work of the treaty bodies.

Matters of gender should be taken into account when reviewing reports of states parties to all human rights treaties.

B. Improving reporting capability

Thematic rapporteurs and other mechanisms should be authorized to examine country situations on their own initiative and report consistent patterns of gross violations of human rights.

Rapporteurs should be encouraged to meet annually to improve coordination and exchange views on methods and work.

On-site visits should be increased, and joint visits by different mechanisms should become a regular part of their work.

Human rights mechanisms should provide for a sustained follow-up of their recommendations by their countries concerned.

Mechanisms should be granted wider investigative powers and latitude in making concrete recommendations to specific governments.

States identified by two or more thematic mechanisms in consultations with each other as continuing serious human rights violators should be considered by the Human Rights Commission for appointment of a country rapporteur.

Human and financial resources for all mechanisms should be significantly increased.

A fully computerized data bank should be established and made available to all mechanisms.

A central documentation center should be established with full and up-to-date information on thematic and country human rights issues.

The UN's confidential procedure for human rights should be strengthened by: (1) transferring to public scrutiny any state considered confidentially for 2 years, and (2) ensuring that up-to-date information is used in making determinations.

C. Human rights and refugees

The UN should create an early warning system to alert the international community to deteriorating human rights situations and potential causes of refugee flows.

The Human Rights Center, its special rapporteurs, and other mechanisms should make periodic reports, including to the Secretary General, on rapidly deteriorating human rights conditions that have the potential to create refugee flows. The Human Rights Center, in cooperation with the UN High Commissioner for Refugees, should monitor and collect human rights information on a world wide basis to identify situations that could contribute to refugee flows.

The Human Rights Commission should increase the use of human rights monitors to deter abuse and help prevent refugee creating situations.

V. PROMOTING DEMOCRACY

The UN should increase its ability to assist with free and fair elections when requested by governments.

The UN Human Rights Commission should establish a rapporteur on free and fair elections.

The UN should coordinate with regional organizations to develop programs to promote democracy.

The UN should give priority to developing programs to strengthen democratic institutions and to improve the administration of justice and the rule of law.

Given that independent worker and employer organizations are key to the pluralism essential to democracy, the UN system and other agencies should take due account of and facilitate ILO programs and standards to assist in creating, protecting, and strengthening such organizations.

The UN should compile an extended list of rights that are non-derogable and must be respected under all circumstances. Priority should be given to defining minimum protections against arbitrary detentions and for fair trial during states of emergencies.

IV. PROMOTING HUMAN RIGHTS EDUCATION

Governments, non-governmental organizations, and the Human Rights Center should actively promote programs aimed at creating a universal commitment to human rights.

The Human Rights Center should establish a center for the training of UN human rights experts in fact-finding, observation, supervision and verification of elections, conflict resolution, and other such fields.

A more active program should be established to disseminate the texts of human rights treaties and other human rights standards, principles and guidelines.

The Human Rights Center, in coordination with UNESCO, should develop more active programs for human rights education, including establishing a program to train human rights trainers and to develop model human rights curricula.

VII. IMPROVING RESPECT FOR DIVERSITY

All states should consider promptly ratifying the Convention on the Elimination of All Forms of Racial Discrimination and implement its provisions.

The Human Rights Center should develop and provide advisory services programs that promote respect for diversity, including the establishment of special rosters of experts available to advise and assist requesting governments on issues of diversity and conflict resolution.

All states should adopt legislation and programs that prevent discrimination based on race, religion, or ethnic origin.

VIII. THE RIGHTS OF WOMEN

All UN mechanisms, including those concerning development, should ensure that rights of women are respected and promoted in all their activities.

The UN Division for the Advancement of Women should oversee the systematic integration of women's issues into UN human rights programs.

The Human Rights Commission should appoint a special rapporteur on violence against women. The rapporteur should investigate human rights violations including battering in the family, rape, female infanticide, "honor killings," "dowry murder", and other violence related to traditional and customary practices.

All UN mechanisms entrusted with protecting human rights should address equally violations of the human rights of women.

UN personnel and independent experts should receive training to ensure they have the sensitivity and competence to address adequately human rights abuses based on gender.

The United Nations itself must live up to the principles of non-discrimination against women by encouraging the election or appointment of women to treaty bodies, as special rapporteurs or as members of other special missions, and in its own employment practices and those of the specialized agencies.

IX. RIGHTS OF THE CHILD

UN Human Rights organs should, in close coordination with the ILO and UNICEF, establish plans and programs to eliminate child labor.

States should pay particular attention to the protection of children's rights in armed conflict, including prevention of involvement by children in hostilities.

The UN and specialized agencies should direct research and program resources to the needs and interests of the most vulnerable groups of children, including: the girl child; working and street children; indigenous children; children affected by armed conflict; refugee and internally displaced children; and children at risk or affected by sale or trafficking, pornography, and prostitution.

X. ELIMINATING TORTURE BY THE YEAR 2000

All states should immediately ratify the Convention Against Torture and implement its provisions.

States should intensify work on the Optional Protocol to the Convention Against Torture.

The Human Rights Center should develop and provide advisory services programs to train police, prison authorities, prosecutors, investigators, and security forces to respect human rights.

All states should adopt legislation and programs to prevent incommunicado detention.

All places of detention should be open to inspection by independent medical and judicial investigators.

International human rights organs should be able to carry out on-site inspections of all detention facilities.

The international community should ensure that tortures are in all instances held individually accountable for their acts.

UN bodies should develop legal principles clearly establishing that there is no statute of limitations for torture.

States are urged to contribute to and support the UN Voluntary Fund for Victims of Torture.

XI. FOLLOW-UP TO THE WORLD CONFERENCE

The 1988 UN General Assembly should assess progress made in realizing the principles set forth in the Final Document of the World Conference on Human Rights, as well as its program of human rights action.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having passed, morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 3 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Graham amendment No. 389 (to amendment No. 366), to authorize the Commission to make grants to the States to assist in paying for the preparation and mailing of voter information pamphlets in connection with general elections for Federal office.

(3) Graham amendment No. 390 (to Amendment No. 366), to make the broadcast discount available only to candidates for Federal or State office who undertake to abide by reasonable spending limits established under law.

(Mrs. BOXER assumed the chair.)

AMENDMENT NO. 389

AMENDMENT NO. 390

Mr. McCONNELL. Madam President, the Senator from Florida has laid down two amendments which will be voted on a stacked basis at 11:30. He spoke yesterday on those amendments. I understand the time will be equally divided between now and 11:30 between the Senator from Florida and myself.

I just had an opportunity to speak with him about his amendments. Let me just make some observations about each of them before the vote.

First, let me say, after spending a week in Kentucky last week talking to lots of voters all over my State, I am, I think, pleased to report that there was not a single, solitary question about the issue of campaign finance during the course of the whole week. I think it is fair to say voters are not interested in this subject, and they are particularly irate if they conclude they we are on the verge of providing taxpayer financing for our political campaigns.

Suffice it to say the voters of Kentucky—and I suspect this is the case across the Nation—are interested in the economic condition of our country; they are interested in whether or not we are going to be paying higher taxes shortly; they are interested in whether we are going to do something about the deficit. They are clearly not interested in having us add this additional expenditure to the Federal budget of financing our campaigns.

Having said that, Madam President, with regard to Senator GRAHAM's amendment with regard to voter information pamphlets, I have had an opportunity to look at one of those pamphlets that Senator GRAHAM has in his possession, I think, from the State of Washington.

A couple of weeks ago, the Senate voted to apply whatever savings from repeal of the lobbyist expense tax deduction was left over after S. 3 was funded to deficit reduction. The Graham amendment, with regard to voter information pamphlets, by increasing

the cost of S. 3, would ensure that even less money was left over for deficit reduction.

While voter information pamphlets may be a good thing—and I looked at the one the Senator has from the State of Washington—it is certainly, it seems to me, nothing that anybody would object to; the Senator from Florida has noted that 13 States already provides them now. American taxpayers, I would suggest, probably would prefer not to have their tax dollars spent on these kinds of pamphlets, leaving the option, of course, to States to provide this voter information if they so choose, and as 13 States do now.

As we speak, of course, Members of the Senate are considering voting for the largest tax increase in U.S. history. They are debating whether to cut the Btu tax and what spending cuts would make up for the reduced revenue.

The cost of the amendment of the Senator from Florida may not seem like all that much in the grand scheme of things around here; however, it all adds up. It all adds up to a $4 trillion deficit and more taxes than taxpayers can bear.

I also note, for the interest of Senators, that these pamphlets that are supposed to facilitate voter awareness would only be required to contain statements by eligible Federal candidates. So, once again, nonparticipating candidates would be penalized. At least, in that respect, this amendment is consistent with the rest of the bill; that is, if you choose not to limit your speech, you would probably not, unless the State so declared that you were entitled to be included, be allowed to be in the voter information pamphlet, thereby receiving yet another penalty for excessive speech.

And, of course, the bill is riddled with those penalties already, which raises very serious constitutional questions.

I know my friend from Florida is well intentioned here. I think these pamphlets probably are useful. And I would suggest that States might, if they so choose, spend their own money, rather than Federal tax dollars.

Now, Madam President, with regard to the second Graham amendment to extend the broadcast discount to State elections, as we know, the underlying bill is a hodgepodge of blatantly unconstitutional provisions—gimmicked to avoid taxpayer funding by utilizing severe penalties. Even ardent proponents of taxpayer financing contend it is far from ideal; they support it only because they deem it better than nothing, and it conveniently has a reform label pasted on it.

The amendment offered by the distinguished Senator from Florida seeks to offer a big carrot—at great expense to the Nation's broadcasters so that all 50 States will replicate a bill that I hope we will not even impose upon Federal races.

Taxpayers and broadcasters already take a big hit under S. 3—through hundreds of millions of dollars in taxpayer funding and a 50-percent broadcast discount.

The Graham amendment would force broadcasters to provide half-price advertising rates to candidates for State office. And it immediately, of course, raises the question of why not provide this discount for local offices? Why segment out candidates for State office to benefit from the 50-percent broadcast discount and leave out those running for local office?

There are many very important local offices in this country. Those candidates would like to have a chance to get their message across cheaply. And I wonder why we sort of cut it off at the State level. Presumably, I guess, it is to reduce the impact on the broadcasters. But, nevertheless, this will have a significant impact on broadcasters.

Now, the Graham amendment would force broadcasters to provide half-price advertising rates to candidates for State office in those States with campaign finance systems comparable to those established by the bill. Comparable would be tough to determine.

My friend from Florida says that would be done in consultation between the FCC and the FEC. But I do think that would be a rather difficult determination, to conclude what kind of campaign finance reform implemented by a State at the State level is comparable to what we are doing here, and then making that decision to penalize the broadcasters in that State by taking away a substantial amount of their revenue, a very big decision on the part of the FCC and FEC that has an enormous impact on the profitability of broadcasters, particularly in States like mine that have lots of elections.

In Kentucky, we have an election every 6 months. To the substantial boredom of our voters and to the considerable chagrin of candidates, they are out there all the time. And for our broadcasters, particularly our radio broadcasters, broadcast advertising on behalf of candidates is a rather lucrative part of the business of many small-town radio stations all across Kentucky. They are not excited about having to give away a substantial portion of their profits in order to underwrite, if you will, the campaigns of lots of additional candidates.

Madam President, the Graham amendment would simply stick it to the broadcasters even more than we already would under this bill in order to encourage all 50 States to stick it to the taxpayers by establishing systems comparable to the one S. 3 would establish.

I would suggest that we are doing enough damage with S. 3, and it does not make much sense to extend this further into the area of State elections.

Replicating this bill in 50 States would ensure that the Supreme Court spent months, or years, striking all the unconstitutional laws down. But would also ensure that every taxpayer in the Union would be reminded of this debacle for years to come.

So I strongly oppose the Graham amendment with regard to extending the broadcast discount beyond Federal races down to State races. I hope my colleagues will not further adversely impact the broadcasting industry beyond what we have already done in the underlying bill.

With regard to the Graham amendment in connection with voter information pamphlets, let me just say quite simply that they will cost something. A number of States are already providing those pamphlets at their own expense. It seems to me we should not ask the Federal taxpayers to pick up even that portion of these pamphlets which would be devoted to Federal candidates.

So, Madam President, I hope the Graham amendments will not be agreed to.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Madam President, I yield 1 minute to the Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague. I simply want to take this time to have printed in the RECORD a news release which includes a statement from 45 national organizations which today urge the Senate to vote for the campaign finance reform proposal that is now being considered in the Senate. I will quote from that statement: The proposal which I introduced "embodies the essential campaign reform elements of the plan set forth by President Bill Clinton."

The coalition stated in a letter to all Senators: "The Senate now faces the opportunity for basic change. We strongly urge you to support the proposal introduced in the Senate and oppose efforts to kill campaign finance reform through the use of a filibuster"—or through other methods.

This letter, which I will have printed in the RECORD, is signed and issued by a very broad cross-section of organizations representing people across our country, urging us to delay no longer but to use this week to enact meaningful campaign finance reform, to stop runaway spending in campaigns, and reduce the influence of special-interest groups.

Madam President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1993.

DEAR SENATOR: After years of consideration, the Senate now faces the opportunity

to bring about fundamental reform of the way its campaigns are financed. The proposal introduced by Senator David Boren (D-OK) embodies the essential campaign reform elements of the plan set forth by President Bill Clinton. We strongly urge you to vote for the proposal and to oppose all efforts to weaken the legislation. We also urge you to oppose any efforts to kill or undermine the legislation through a filibuster.

The proposal recognizes that campaign finance reform cannot be achieved without ending soft money abuses and it shuts down the soft money loophole that has been used by corporations, labor unions and wealthy individuals to evade federal contribution limits. If the soft money provisions had been in effect for the 1992 elections, more than $80 million in special-interest soft money contributions would have been eliminated.

By providing spending limits, public campaign resources and political action committee (PAC) restrictions, the plan would greatly reduce the campaign spending advantages that Senate incumbents have over their challengers.

The Senate now faces the opportunity for basic change. We strongly urge you to support the proposal introduced in the Senate and to oppose efforts to kill campaign finance reform through the use of the filibuster.

Sincerely,

Common Cause.
Public Citizen.
League of Women Voters of the United States.
American Association of School Administrators.
American Public Health Association.
American Public Power Association.
Americans for Indian Opportunity.
Center for Science in the Public Interest.
The Children's Foundation.
Church of the Brethren, Washington Office.
Church Women United.
Citizen Action.
Coalition to Stop Gun Violence.
Community Nutrition Institute.
Consumer Federation of America.
Consumers Union of U.S., Inc.
The Episcopal Church, Washington Office.
Friends Committee on National Legislation.
Friends of the Earth/Environmental Policy Institute.
Government Accountability Project.
Gray Panthers.
Greenpeace.
Hollywood Women's Political Committee.
Iowa League of Savings Institutions.
Jesuit Social Ministries, Washington Office.
Mexican American Legal Defense and Educational Fund.
National Community Action Foundation.
National Council of Jewish Women.
National Farmers Organization.
National Farmers Union.
National Jewish Community Relations Advisory Council (NJCRAC).[1]
National Insurance Consumers Organization.
National Puerto Rican Forum.
National Urban League.
National Resources Defense Council.
National Women's Political Caucus.
NETWORK: A National Catholic Social Justice Lobby.
Presbyterian Church (U.S.A.), Washington Office.
Public Voice for Food and Health Policy.
Union of American Hebrew Congregations.
Unitarian Universalist Association, Washington Office.
United Church of Christ, Office for Church in Society.
U.S. Public Interest Research Group.
Woman's National Democratic Club.
Women's League for Conservative Judaism.

NJCRAC's constituent organizations are:[1]
American Jewish Committee.
American Jewish Congress.
Anti-Defamation League of B'nai B'rith.
B'nai B'rith International.
Hadassah.
Jewish Labor Committee of the U.S.A.
Jewish War Veterans.
National Council of Jewish Women.
Union of American Hebrew Congregations.
Union of Orthodox Jewish Congregations.
United Synagogue of America.
Women's American ORT.
Women's League for Conservative Judaism.

[1] Hadassah has not adopted a position on campaign finance reform.

Mr. GRAHAM. Madam President, yesterday I made some introductory remarks relative to the two amendments which are currently pending, which will be voted on at approximately 11:30. I would like to summarize what I said yesterday and then respond to the comments from our colleague from Kentucky.

The purpose of these two amendments is to extend the essential purposes of S. 3. The purpose of this bill, as has been so particularly stated by the Senator from Oklahoma, is to reduce the influence of money and the influence of those interests which are able to provide money to the Federal political process.

We all know how much it costs to run for Federal office. We know how rapidly that cost has escalated over the past decade. We know the public perception of that amount of money and the effort required to raise that amount of money has had an adverse effect on our ability to be seen as public officials putting the public interest first and as our touchstone for our public actions.

I strongly support S. 3 and the amendment which is currently before us. I believe the two amendments which I have offered will extend and complement the benefits of S. 3.

What are the two amendments? The first amendment is one of which the Presiding Officer should be particularly aware, because her State is one of the 13 States that currently provides a printed set of information to its voters. Last year, in fact, the State of California published some 14 million copies of its voter pamphlet at a cost of $3.5 million, by far the largest State to do so.

The purpose of my first amendment is not to mandate that States provide this information, but rather to encourage States to provide this information. I believe there is a case to be made that the items of information which have been purchased by the large amount of campaign funds that have become standard in Federal elections in the past are not without value. The fact that the public is exposed to 30-second television spots and the other items of advertising that are purchased largely by those funds has helped to make people aware that, hey, there is an election about to take place; here is some information about the candidates, some of it positive, unfortunately, too much of it negative. And it has helped to stimulate voter participation. As dismal as our turnout has been in recent years, it could be argued that it would have been even worse but for the barrage of paid advertising that has been the dominant part of the most major political campaigns in recent years.

So, what are we going to do to take the place of some of that barrage of television which is going to be unavailable because there will be fewer dollars to pay for it? I believe the voter pamphlet is one part of filling that void. I have the 1992 voter pamphlet for the State of Washington, which was published last year at a total cost of $785,000. It has information on referendum issues that were before the voters and then pages of information on the background, the policies, and the experience of each candidate for Federal and State office. This, in my judgment, is a model of what we ought to encourage be made available to voters in every State.

There are currently 13 States that are providing this information. My amendment would say, if a State elects to provide such a voter pamphlet and if it elects to apply for a grant to assist in the cost of this pamphlet, the Federal Election Commission could honor that request to the extent that the Federal proportion of the pamphlet would relate to the total cost. As an example, in this booklet from Washington there are 79 pages; 20 of those pages, or roughly 25 percent of the total booklet, are devoted to Federal offices from the President and Vice President to Members of the Senate and the Congress. Therefore, 25 percent of the $875,000 cost of this would be eligible for a Federal grant. The estimate is that if all 13 States had applied in 1992, the amount of the grants could have aggregated to approximately $2 million.

I agree with our friend and colleague from Kentucky that we are concerned with every dollar that the Federal Government spends. But I would like to point out that within this bill itself there is a prohibition on incumbent officeholders of the U.S. Senate using their franking privilege for mass mail during the year of the election. I suggest, based on recent patterns, that prohibition on the use of mass mail by the one-third of the Senate which is up for election in any cycle would generate significantly greater savings as incorporated in this bill than the potential cost through payment of the Federal share of State-produced voter

pamphlets. I believe it would be money well spent in terms of giving to the American voter better information upon which to make a more informed judgment.

So, that is the first amendment. It is an amendment which is intended to provide better information and to recognize the Federal nature of our electoral system and encourage States to do what States can do, and that is to take the initiative in creative ways providing voters with good information.

The second amendment is also related to the Federal nature of our system of government. We know that broadcast media are a Federal Government responsibility. The Federal Government has set up the regulatory framework, provides the licenses, maintains the control and regulation over all broadcast media—radio, television, et cetera.

We have provided in this bill for an extension of the current law as it relates to the provision of access of political candidates to broadcast media. In order to put my amendment in some context, let me first talk about what the current law is, and then what the amendment that has been placed before us by the leadership is, and finally how my amendment would modify that leadership amendment.

The current law, Madam President, provides that for all candidates for office—Federal, State, local—that they will be entitled to the lowest unit cost for their advertising within 45 days of a primary or runoff and 60 days of a general election. Under the bill that we have before us, the 45-day period is going to be reduced to 30 days.

We also add to that current law under the leadership amendment a provision that says for Senate candidates who are eligible. That is, they have agreed to accept the voluntary spending limits, that they would also be entitled to two additional benefits. One of those benefits is a 50-percent reduction in that lowest unit cost, and second, if they are eligible for vouchers because of an independent expenditure, they could use those vouchers to purchase broadcast media. It prohibits the aggregation of those two; that is, you have to do one or the other, but you cannot do both.

There also is a provision in the leadership amendment which clarifies what lowest unit cost is to assure that it is nonpreemptible time; that is, if you buy a 30-second spot at 8:30 on a Tuesday evening show and you use the 50-percent rate, you cannot have that 30-second spot preempted because there is a commercial advertiser who is prepared to pay more than the set political rate. That is the leadership amendment.

The amendment that I have proposed is intended to encourage States to recognize the same perversity of excessive amounts of money and the influence of that money on their politics that we are recognizing at the Federal level. It says that if a State adopts a campaign finance reform which is found by the Federal Communications Commission and the Federal Election Commission, acting jointly to be the equivalent of the Federal law, then eligible State and local candidates—and it does apply to local candidates—would have access to that 50-percent broadcast rate provision that we are providing for ourselves.

Just as we are saying to the States, you take the leadership in producing a voter pamphlet because the States are the appropriate level of Government to take that leadership, we are saying that we are going to take the leadership in encouraging access to the low-cost broadcast media because we are the only level of Government that can do that since the control of the broadcast media is a Federal responsibility.

The criticisms that have been made by the Senator from Kentucky relate to the fact that this would be too great a cost to broadcasters. Frankly, that is, as I believe he has correctly stated, an argument not against my amendment but an argument against the bill itself. I do not accept that argument. I believe that it is appropriate where the public is providing access to the use of a public media—and the air waves are a commodity that belong to the public of the United States of America—that it is appropriate for us to ask that a portion of that public commodity—the air waves and their ability to communicate information—be available for the communication of information that is necessary to a functioning democracy; and that if that is appropriate, to make that available at a reduced cost for candidates for the U.S. Senate, how can we argue that it is not appropriate to make that available to a State which would agree to spending limits, would agree to the kind of reforms that we think are so important?

Why should a candidate who is running for Governor of that State, or for attorney general, or for the State legislature, not also have the opportunity to have access to that beneficial rate?

I think we should provide it. Madam President, that would be the purpose of the second amendment.

I encourage and urge my colleagues' support for these two amendments which I believe will extend the benefits of the very solid progress that we will make by the passage of S. 3 and the manager's amendment. Thank you, Madam President.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kentucky has 4 minutes and 38 seconds remaining to his side.

Mr. MCCONNELL. Madam President, let me sum up the case with the pending amendment. With regard to the voter pamphlet amendment, 13 or 14 States already provide these at their own expense today. Obviously, in those States they think it is a very good idea. I think they are attractive and maybe even useful.

The issue before us is quite simply whether we want to use Federal tax dollars to pay for these voter pamphlets. I would argue that we ought not to spend Federal tax dollars at a time when we have a $4 trillion debt to provide voter pamphlets that States are free to provide at their own expense in the future anyway, and many do today.

With regard to the second amendment extending a rather deep 50-percent discount to additional races across the country at the expense of the broadcasting industry, let me say that in a State such as mine, for example—and I suspect this is the case in many States—requiring the broadcasters to give the 50-percent discount to State candidates will cost them an awful lot.

We have already in the underlying bill asked the broadcasters to underwrite a substantial portion of the cost of Federal races. Do we really want to ask the industry now to pick up the tab for additional State races? Just how much sacrifice, if you will, do we want to ask of the broadcasters? My suspicion is that we have already asked quite enough of them in the underlying bill, and I hope that we will not extend this discount further requiring broadcasters out across America to give a 50-percent discount in State political races.

So, Madam President, I think the time has about run. I will just simply suggest the absence of a quorum. I assume the vote will occur at 11:30; is that correct?

The PRESIDING OFFICER. When the quorum call is called off, it will take place.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 390, AS MODIFIED, TO AMENDMENT NO. 366

Mr. GRAHAM. Madam President, I send to the desk a modification of the second of my amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object for a moment, if I may on my time—I think I have some left—ask the Senator from Florida what his modification is?

Mr. GRAHAM. The modification clarifies that we are not affecting the current law as it applies to all political candidates being eligible to get the lowest unit cost as they are today.

Mr. MCCONNELL. In other words, the Senator is saying that the current discount would still be available to local candidates, or example, in Florida or Kentucky?

Mr. GRAHAM. The current law would be unaffected other than by reducing

the period from 45 days to 30 days, which is part of the current bill, and by making clear that the lowest unit cost is for preemptible time; that the only changes that my amendment would make would be in those States which had adopted a campaign finance reform similar to the Federal law and where a candidate had agreed to subject himself or herself to that law.

Mr. MCCONNELL. If I could ask further, would the Senator from Kentucky be correct that a noncomplying candidate in a State race with a system that had been determined comparable by the FCC and the FEC to the Federal system specified in the underlying bill would still get the existing broadcast discount?

Mr. GRAHAM. Correct. And the purpose of this modification is to clarify that there is no change in current law as it relates to cases outside those that I have described.

Mr. MCCONNELL. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, amendment No. 390 is modified.

The amendment (No. 390), as modified, is as follows:

On page 51, strike line 9 and all that follows through line 19, and insert the following:

(2) by adding the end the following new sentences:

"In the case of an eligible candidate, the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) of the Federal Election Campaign Act of 1971 by reason of the independent expenditure amount. For the purposes of this subsection, the term 'eligible candidate' means—

"(A) an eligible Senate candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(B) a candidate for Federal, State, or local public office who undertakes to abide by reasonable spending limits established under Federal or State law that the Federal Election Commission, under a regulation issued jointly by the Commission and the Federal Election Commission, certifies to the Commission are comparable to those established under title V of the Federal Election Campaign Act of 1971.".

The PRESIDING OFFICER. All time has expired.

Mr. GRAHAM. Madam President, I understand the yeas and nays have not been ordered. I ask for the yeas and nays on both of the amendments.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 389 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 60, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—32

Akaka	Feinstein	Moynihan
Biden	Ford	Murray
Bingaman	Graham	Pell
Boren	Harkin	Pryor
Boxer	Inouye	Robb
Breaux	Johnston	Rockefeller
Bumpers	Kennedy	Sarbanes
Campbell	Krueger	Sasser
Daschle	Leahy	Simon
DeConcini	Mathews	Wellstone
Feingold	Mitchell	

NAYS—60

Bond	Glenn	McCain
Bradley	Gorton	McConnell
Brown	Gramm	Metzenbaum
Bryan	Grassley	Mikulski
Burns	Gregg	Moseley-Braun
Byrd	Hatch	Nickles
Chafee	Heflin	Packwood
Coats	Helms	Pressler
Cochran	Jeffords	Reid
Cohen	Kassebaum	Riegle
Conrad	Kempthorne	Roth
Craig	Kerrey	Shelby
D'Amato	Kerry	Simpson
Dodd	Kohl	Smith
Dole	Lautenberg	Specter
Domenici	Levin	Stevens
Dorgan	Lieberman	Thurmond
Durenberger	Lott	Wallop
Exon	Lugar	Warner
Faircloth	Mack	Wofford

NOT VOTING—8

Baucus	Danforth	Murkowski
Bennett	Hatfield	Nunn
Coverdell	Hollings	

So the amendment (No. 389) was rejected.

The PRESIDING OFFICER. The question is on amendment No. 390 offered by the Senator from Florida.

The yeas and nays have not yet been ordered.

Mr. GRAHAM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 390 offered by the Senator from Florida [Mr. GRAHAM].

The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 76, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—16

Bradley	Lautenberg	Rockefeller
Bryan	Leahy	Shelby
DeConcini	Mathews	Simon
Graham	McCain	Wellstone
Harkin	Moynihan	
Krueger	Pell	

NAYS—76

Akaka	Faircloth	McConnell
Biden	Feingold	Metzenbaum
Bingaman	Feinstein	Mikulski
Bond	Ford	Mitchell
Boren	Glenn	Moseley-Braun
Boxer	Gorton	Murray
Breaux	Gramm	Nickles
Brown	Grassley	Packwood
Bumpers	Gregg	Pressler
Burns	Hatch	Pryor
Byrd	Heflin	Reid
Campbell	Helms	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Roth
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
Dodd	Kohl	Thurmond
Dole	Levin	Wallop
Domenici	Lieberman	Warner
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—8

Baucus	Danforth	Murkowski
Bennett	Hatfield	Nunn
Coverdell	Hollings	

So the amendment (No. 390) was rejected.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the previous order, the Senate is due to recess for the respective caucus meetings at 12:30 p.m. today?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess.

The PRESIDING OFFICER. If the Senator will suspend, the Chair would like to read a message to the Senate.

Mr. MITCHELL. Certainly.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro

tempore, pursuant to Senate Resolution 111 (103d Congress, 1st session), announces the appointment of the following former members of the Select Committee on Ethics, including current and former Members of the Senate, to the Senate Ethics Study Commission:

NANCY KASSEBAUM, of Kansas;

TRENT LOTT, of Mississippi;

DAVID PRYOR, of Arkansas; and

TERRY SANFORD, of North Carolina.

The Chair also announces that the following Members serve on the Senate Ethics Study Commission by virtue of the position they hold:

RICHARD H. BRYAN, as chairman of the Select Committee on Ethics, serves as Chairman of the Senate Ethics Study Commission;

MITCH MCCONNELL, as ranking minority member of the Select Committee on Ethics, serves as Vice Chairman of the Senate Ethics Study Commission; and

BARBARA A. MIKULSKI, THOMAS A. DASCHLE, BOB SMITH, and LARRY E. CRAIG, as members of the Select Committee on Ethics, serve as members of the Senate Ethics Study Commission.

RECESS UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now stand in recess and that in all other respects the previous order remain in effect.

There being no objection, the Senate, at 12:18 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 391 TO AMENDMENT NO. 366

(Purpose: To eliminate the cost-of-living adjustments for public subsidies)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 391.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 22, after "increased" insert "(for purposes of the provisions of this Act other than section 503(c))".

On page 13, line 16, after "increased" insert "(for purposes of the provisions of this Act other than section 503 (b) or (c))".

Mr. MCCONNELL. Mr. President, I am sure that most regular C–SPAN viewers develop a taste for irony after many hours of watching the deliberations and actions of this body. I am sure they have noted the outrageous irony of Congress establishing for itself a massive entitlement program, the ultimate perk I like to call it, while a recordbreaking tax increase for the middle class is waiting in the wings.

As this body prepares to take billions of additional tax dollars from American families, it is getting ready to put millions of tax dollars into our own pockets with taxpayer financing of elections. With that little irony in mind, I now urge all C–SPAN viewers to turn up the volume on your television sets because I guarantee you have not heard what I am about to say.

Buried in the fine print of this huge bill, S. 3, is a provision that makes sure that all beneficiaries of this politicians' entitlement program will receive an annual cost-of-living adjustment, a COLA. So to add irony to irony, while the President and the Congress are considering cuts and caps on entitlement programs which help the poor and the elderly, this bill would protect the COLA for an entitlement program that helps Congress. Of course, the other side might protest this COLA is needed to ensure that our political food stamps are not ravaged by inflation, which has been rearing its ugly head lately.

Let me assure the viewers at home that you are still watching C–SPAN. This is not just some sitcom. This is not the "Saturday Night Live" version of Congress. If it were, the laugh track would be cranked up to the limit. Here we have Congress proposing massive reductions in the entitlements that benefit everyone else and at the same time creating a lucrative new entitlement for itself with a built-in cost-of-living adjustment. I think most Americans agree Congress ought to live by the same rules it imposes on everyone else. Yet it has proven surprisingly difficult to get Congress to understand that concept. Nevertheless, with Republicans leading the way, we have made considerable progress toward establishing this simple principle.

Unfortunately, the entitlement COLA in this bill is a step backward. It is a return to the attitude that we in Congress deserve preferential treatment just by virtue of being here. My amendment is intended to correct that attitude, which seems to infect every nook and cranny of this bill. It provides simply that taxpayer-funded entitlement benefits given to politicians under this bill would not—I repeat, would not—be increased annually through a cost-of-living adjustment.

So those on the other side who plan to vote for cuts and caps in other entitlement programs when the President's package is considered next week, or whenever, can also vote for my amendment and tell the American people: "I feel your pain." You can say, "I had to cap your entitlement program but, believe me, I had to sacrifice, too, right where it hurts because I had the courage to vote against my own COLA."

So if you are worried about those votes to bludgeon the middle class with tax increases, to slash entitlement programs and to line your own pockets with taxpayer financing of campaigns, you can put yourself on record and say with assurance in that 30-second ad, "When it came to giving food stamps for politicians a COLA, why, that is where I drew the line in the sand."

Most Americans, I imagine, would consider this amendment a no-brainer. I urge my colleagues to vote for this amendment and put a stop to the endless cycle of insult and injury we are inflicting on the taxpayers through this misguided campaign financing bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I apologize to my colleague from Kentucky. I was involved in another discussion on another subject and was delayed in getting to the floor. But I am informed as to the substance of his amendment.

I do not think it would come as a great surprise to the Senator from Kentucky that I cannot find myself in agreement with the amendment he has offered. We all know that we have a basic philosophical difference. This Senator and those who have sponsored this bill and those who are supporting this bill, including the President of the United States, feel too much money is pouring into campaigns. We do not think it is a good thing that over $600 million was poured in campaign contributions, much of it from special interest groups, into funds of candidates running for office in the last election. We do not think it is a good thing that we are without spending limits, when you allow an unlimited amount of money to be spent in campaigns, you have a system which makes it almost impossible for new people to break into politics, as I have said many, many times.

The incumbents were able to outraise and outspend the challengers in the last election by a rate of about 3 to 1. The PAC's, the special interest groups, gave to incumbents in the House races last time $9 for every $1 they gave to the challengers. It is just a fact of life that people who are sitting Members of

the U.S. Senate and the U.S. House of Representatives because they are here, because people want to have access to those Members of Congress, they are simply more able to raise campaign contributions than new people who are trying to break into the system.

So, as long as we do not have spending limits, as long as we allow the money chase to continue, as long as we say the sky is the limit, as long as we have a system that has now brought us up to about $4 million as the average amount of money to run in the average small State—not a California or New York but an average small State the size of Oklahoma or even smaller, $4 million to successfully run for the U.S. Senate—we are simply going to continue to have politics tainted by too much money coming in, and the influence of money and the perception on the part of the people, as we have seen in poll after poll after poll, that the Congress of the United States does not belong to people like them; that Members of the Senate do not represent or care about people like them. That is because they sit back and they think about the fact that the average Senator has to raise $4 million to get reelected. And the average person knows he or she cannot write those big checks or cannot compete with the special interest groups that can give those large sums of money or hold the big-dollar fundraisers.

Therefore, as long as money is the dominant influence in our politics and there is no limit on spending, the American people are going to continue to lose faith and confidence in this political system.

So many of us have said: Enough; enough of that. Let us act to restore the integrity of this institution. Let us take politics and public office off the auction block. Let us return power back to the people. Let us restore the confidence of people and the bond of trust between the people and their own Government again.

The essence of reform, the very essence of reform, is to put some reasonable limits on overall spending so people will not have to be obligated in the perception of the public to special interest groups; so that Members of Congress will not have to be full-time fundraisers and part-time legislators; so we can spend our time and our attentions and our talent and our efforts solving the problems of the country instead of raising money for campaigns; so that campaigns can become more and more decided on the basis of the qualifications of the candidates, the character of those running, and the ideas above all that those candidates have for bringing this country into the right direction as we approach a new century.

That is what we believe politics should be all about; not about raising money, raising money, raising money, spending money, spending money, pleasing the special interest groups, make commitments and obligations in order to raise the massive amounts of money that it takes to win. Because we all know and we look at the figures and the voters look at the figures and the people back home know, they are wise enough to see through the smokescreen, they see those statistics that between 90 and 100 percent of the candidates that get the most money are the ones who win. Winning and politics in America for high office have become synonymous with who can raise the most money.

What a tragedy. What a tragedy.

We have this bill before us because we do not want to let that continue. We do not think the essence of competition in public life should be on the basis of who can raise the most money. That is what we are trying to do.

We all know there has been a Supreme Court decision. I wish that decision had never been made. I do not agree with that decision but the Supreme Court has rendered a decision that we cannot pass a simple bill which says you cannot spend over *X* amount per voter in your State to run for the Senate or the House of Representatives in your district. We cannot just pass a simple bill limiting the amount of money that can be spent on campaigns. The Supreme Court has rules that we cannot do it. They say it has to be a voluntary system. You have to have incentives to get the candidates to accept the voluntary spending limits. So to get spending limits we have to have a bill that includes incentives.

This bill—and partly because of concerns of some on the other side of the aisle—this bill indexes for inflation the spending limits that are in the bill. So if the limit is $1 million, or $1.2 million, over a period of time as inflation goes up and the cost of printing things and mailing letters and other things goes up, or television broadcast rates or radio or the rest of it, then that ceiling goes up along with the cost of campaigns, the cost of those items, the cost of living.

If the ceiling continues to go up, let us say from $1 million over say a 10-year period to $1.15 million or $1.2 million, because the indexing of the spending limits, but the benefits, the inducements, incentives to accept the spending limits remain frozen, remain the same—then what you do is you establish a system that with each passing year your incentives are less and less attractive so fewer and fewer candidates accept spending limits.

I understand why my colleague, because he opposes spending limits, is not for spending limits. The essential difference—most essential difference between us on this bill is the fact that we have a difference of opinion about spending limits. I think it is good to limit spending. I do not think it is an inherent good that more and more money is being poured into the campaigns. I do not think it is healthy for the system. He thinks it is good. He thinks more and more money pouring into campaigns is a positive thing. We have a difference of opinion about that. So it does not surprise me that he would offer an amendment to undercut, over a period of time, the incentive system which is at the heart of spending limits.

So the amendment is really not about COLA's, as it has been called, or increases automatically in the incentives that match the increases in the cost of living which, therefore, cause the spending limit to go up over time. It is really about dismantling the system that will allow us to have spending limits.

So, if you favor an effort to limit overall campaign spending, you ought to vote against this amendment. If you think we ought to continue the current system and not have enough incentives to induce people to accept spending limits and you think it is a good thing that cost of running for the U.S. Senate, for example in a State the size of mine—when I first ran 15 years ago it was a little under $500,000 and it is a little under $4 million today—if you think that is a good thing and if you think about the young people like some of those who work here for us on the floor of the Senate, if some of them want to be Senators someday and you think about what it is going to cost 12 years from now, if you look at the past rate of growth as it has been over the last 12 years, if you think it is a good thing that they should think not only about what they want to do for the country, what are good ideas to help solve the problems of improving the educational system or creating jobs in this country or encouraging investment to make us more competitive in the world marketplace, if you think it is also a good idea that we make sure that they also turn that attention to how they are going to raise the $10 million or so to run for the U.S. Senate, if you think that is a good thing, if you think that is the message we ought to send to idealistic people in this country who want to render a public service, then vote for this amendment. Make the system less workable, make it less likely that people will accept spending limits because that is really what the amendment is all about.

Mr. President, that is not my answer. I know it will not surprise my colleague from Kentucky. That is not my answer. I think, above all, the people, the vast majority of the American people, almost 90 percent of the American people say they want spending limits put on the amount of money poured into campaigns. Let us listen to the people. The people, and it is not unusual, are far ahead of the politicians on this matter.

It is going to take our listening to the people to pass this bill. Here we sit

as a group of incumbents, every one of the 100 who sit in these desks in this Chamber and who will be coming over here to vote on this amendment and ultimately on this bill, every one of the 100 are incumbents, and they are part of a system with no spending limits, and they are part of a system under which incumbents, because they are here and because people want the ear of people who are here with the kind of power and influence, are unable to raise three times as much money on the average as anybody who decides to run against them.

Why in the world would these 100 people vote to change and reform a system under which they have such an advantage? Why would these 100 people decide that they want to put a limit on campaign spending in this country? There is really only basically one reason: Because they feel it is right, because they have a sense of responsibility to this institution and its future and the integrity of the political process, and, also, hopefully, because they have listened to the wisdom of the people, with between 80 and 90 percent of them saying we want this done, we want this Congress returned to us, we want it to represent us, we want it to represent people at the grassroots, we are feed up with a system where so much is determined by who can raise the most campaign money.

Let us listen to the wisdom of the people, Mr. President. Let us defeat this amendment. Let us vote it down. Let us press ahead to passage of this campaign finance reform bill, and let us stop the money chase in American politics. Let us stop the taint of special-interest influence, and let us get this Government back in the hands of the people again where it belongs.

So I urge my colleagues in the Senate to vote no on the pending amendment when it comes time to call the roll on this particular provision.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The junior Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we can have a vote shortly as far as I am concerned. The issue is simple. The pending McConnell amendment does not keep the ceiling from going up consistent with the cost-of-living. It does, however, cap the taxpayer benefit for us.

We are in the process, prior to the budget reconciliation, of presumably calling upon Americans to make some kind of sacrifice to impact the deficit. My amendment is really quite simple. It attempts to treat us like we are being asked to treat everybody else. It is a question of equality.

I might note just for the record that I have not made a motion to table any amendment offered by the other side, with one exception and that was when I was second-degreed. I felt the other side was entitled to an up-or-down vote on their amendments. I hope that I will be granted the same opportunity today.

Really, the issue before us is quite simple: Do we want to cap the taxpayer benefits to us provided for under this bill, maintain it at a level so it does not continue to grow incrementally and cost the taxpayers of this country more money? That is the only issue before us.

My friend from Oklahoma is correct, I do not like spending limits. Almost no scholar in America, with the possible exception of the occupant of the chair, believes that spending limits are either a good idea or could possibly ever work consistent with the first amendment. But that is not what is before us, because this amendment does not impact the spending limits in the underlying bill. It simply impacts the entitlement of tax dollars for us by capping the COLA for us, as many people feel we may be called upon to cap COLA's or impact COLA's for everybody else in America.

So that is the only issue before us, Mr. President. If my friend from Oklahoma is ready, I am more than happy to ask for the yeas and nays and move to a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I understand my colleague has completed the debate. I am not going to offer a second-degree amendment, but I do feel compelled to make a tabling motion because of the importance of this amendment and the fact that, in my opinion, it does strike at the basis of the legislation itself, at the very most fundamental core parts, because spending limits, as I said, to those of us who offered the legislation, spending limits really are the heart and soul of what we believe is true reform, trying to squeeze the influence of money, wring it out of the system and get back to more other fundamental means of political competition.

So, Mr. President, I will be making a tabling motion. I want to withhold it until my colleague, if he wishes, makes an additional comment. I know he wishes an up-or-down vote, but I feel compelled to make a tabling motion. I will not offer a second-degree amendment, so the issue will clearly be joined and, of course, if my tabling motion does not prevail, then there will be a vote up or down following that on the McConnell amendment.

Mr. MCCONNELL. Mr. President, I will just reiterate the point I made earlier that of 15 amendments offered on the other side, I have not made a motion to table any of them. I have not second-degreed any of them. I have proceeded with the notion that our colleagues on the other side were entitled to up-or-down votes on their issues.

Here I have offered a very simple and understandable amendment that does not even impact the spending limits that I oppose but rather caps the taxpayer entitlement for our campaigns. Obviously, my friend from Oklahoma has the right to make a motion to table, and I assume he is going to do that. I hope he will not, simply because it seems to me we have proceeded to this point by providing everybody with an opportunity to offer their amendments and to get up-or-down votes on them. I had hoped the same courtesy would be accorded to me, but that is obviously the call of my friend from Oklahoma.

In any event, I think there is no point in extending the debate any further. I think we have made our points. I, therefore, yield the floor.

Mr. BOREN. Mr. President, I mean no discourtesy, but as I indicated, I think this is a very fundamental question as to the core of the bill, and I do think that it is a straightforward matter.

I move to table the pending McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 391. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Missouri [Mr. DANFORTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 44, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—46

Akaka	Conrad	Harkin
Biden	Daschle	Heflin
Bingaman	DeConcini	Inouye
Boren	Dodd	Johnston
Boxer	Dorgan	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Kohl
Byrd	Glenn	Lautenberg
Campbell	Graham	Levin

Mathews	Murray	Sarbanes
Metzenbaum	Pryor	Sasser
Mikulski	Reid	Wellstone
Mitchell	Riegle	Wofford
Moseley-Braun	Robb	
Moynihan	Rockefeller	

NAYS—44

Bond	Gramm	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pell
Chafee	Hatch	Pressler
Coats	Helms	Roth
Cochran	Jeffords	Shelby
Cohen	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Leahy	Smith
Dole	Lieberman	Specter
Domenici	Lott	Stevens
Durenberger	Lugar	Thurmond
Exon	Mack	Wallop
Faircloth	McCain	Warner
Gorton	McConnell	

NOT VOTING—10

Baucus	Danforth	Murkowski
Bennett	Hatfield	Nunn
Bradley	Hollings	
Coverdell	Krueger	

So the motion to lay on the table the amendment (No. 391) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the Chicago Tribune, in its June 5 editorial, just recently, made some very strong arguments against the underlying bill. The editorial writers, in pertinent part, made reference to the cost of Senate races in some of the larger States. They noted there were a lot of people in those States and a lot of media markets. Of course, that is the reason for the higher cost in large States. They went on to say, "By anybody's standard, that's a lot of cash," referring to what is typically raised in big States. "And no doubt many voters would say it was a lot of cash wasted," the Chicago Tribune said. They went on: "It's at least a small consolation that it wasn't the voters' cash. But that could change," the editorial points out. It states, "Have taxpayers pay for the next round, which would be equally sorry and only slightly less expensive."

"Public financing for Senate campaigns would cost $200 million per election, but Senate Democrats say they found a way to pay for it. They would eliminate tax deductions for lobbying expenses, which would raise $829 million over 5 years. But what do you suppose the public's first priority would be for that money: reduce the Federal budget deficit or spend it on TV commercials for politicians?

"Campaign finance reform," the Tribune further observed, "has not exactly captured the Nation's attention, but it almost surely would—and not as the 'reformers' hope—if President Clinton signed a bill to spend more tax dollars on politicians."

Later in the editorial, the Tribune said: "If Congress or the President expect to win back the admiration of the public by enacting another set of campaign rule changes, they are mistaken. They are mistaken especially if they think the answer is in public financing of campaigns."

Mr. President, I ask unanimous consent that the entire editorial in the Chicago Tribune of June 5, in opposition to the bill, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS IS AN EXPENSIVE HABIT

Last year Sen. Carol Moseley-Braun and attorney Rich Williamson spent a total of $9 million in their attempts to convince voters that they deserve to go to Washington, although by the end of that bitter campaign many disgruntled voters probably just wished both would leave Illinois.

By some standards, the Moseley-Braun/Williamson race was done on the cheap. Senate races cost more than $17 million in New York, $15 million in Pennsylvania, $10 million in Oregon. By anyone's standard that's a lot of cash, and no doubt many voters would say it was a lot of cash wasted.

It's at least a small consolation that it wasn't the voters' cash. But that could change.

The Senate is mulling proposed campaign "reforms" designed to slow the money chase by providing public financing for candidates who accept limits on the total amount they can spend. It is part of a Democrat-sponsored package that's likely also to include a ban or strict limitations on contributions by political action committees and new rules to stop abuses involving so-called soft money, donations to party organizations which, critics charge, is how contributors evade contribution limits to candidates.

These proposals apparently are the Senate's way of making amends to the public for such a sorry and expensive display of campaigning: Have taxpayers pay for the next round, which would be equally sorry and only slightly less expensive.

Public financing for Senate campaigns would cost $200 million per election, but Senate Democrats say they have found a way to pay for it. They would eliminate tax deductions for lobbying expenses, which would raise an estimated $829 million over five years. But what do you suppose the public's first priority would be for that money: reduce the federal budget deficit or spend it on TV commercials for politicians?

Campaign finance reform has not exactly captured the nation's attention, but it almost surely would—and not as the "reformers" hope—if President Clinton signed a bill to spend more tax dollars on politicians.

Also problematic are the proposed restrictions on soft money. What reformers call an evasion of contribution limits many political scientists contend is legitimate and necessary sustenance to political party organizations so they can do what parties always have done: support a slate of candidates.

If Congress or the president expect to win back the admiration of the public by enacting another set of campaign rule changes, they are mistaken. They are mistaken especially if they think the answer is in public financing of campaigns.

To be sure, voters are disgusted with what goes on during campaigns. But they're even more disgusted with what goes on after the campaigns are over and the winners go to work.

AMENDMENT NO. 392 TO AMENDMENT NO. 366

(Purpose: To change the effective date of the Act)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 392.

In title VIII, section 801, on line 8, beginning after the word "Act," strike all through line 10.

Mr. MCCAIN. Mr. President, this amendment is very straightforward. It makes the provisions of the Congressional Campaign Finance and Election Reform Act effective immediately upon being signed into law by the President.

If campaign finance reform is important enough to pass—and I have been a strong supporter of campaign finance reform—then let us make it apply now in 1993, not in 1995. If we are going to balance the playing field, then let us balance it now.

Other than protecting incumbents, there is no reason for not making this bill effective immediately.

The bill states:

Except as otherwise provided in this act, the amendments made by, and the provision of, this act shall not take effect on the date of enactment of this act, but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

Mr. President, the language of the effective clause in this bill is too clever by half. At first glance, the bill will take effect upon the day of enactment. However, the authors of the bill have added a caveat which provides that the bill does not apply to elections before 1995. This, of course, means that the bill would not apply to elections before 1996, nearly 3 years away.

Mr. President, this language, in my view, is unacceptable, and it is an example, in some ways, of at least deceiving the American public. I believe the public wants campaign reform now, not 3 years down the road.

Further, the language of the substitute raises some practical questions as well. For example, I want to know if incumbents, who will be running for office in 1996 or in 1998, would be able, under this effective date language, to amass a huge campaign war chest between the date of enactment of this bill and 1995. Could such an incumbent rush to bank staggering sums of soon-to-be-illegal PAC funds to give him or her a huge advantage over a potential future challenger?

In light of passage of the Chafee amendment before the recess, which effectively bans out-of-State fundraising except in the 2 years prior to an election, would a Senate incumbent be able to canvass the major money cities around the country, if done before 1995, and in essence violate the Chafee language we unanimously adopted in this body?

Mr. President, I understand that some will state that the spending limits will apply after 1995 and, thus, any amount of money raised prior to that time will be limited. But Mr. President, every Senator knows that one sure-fire way to ward off potential incumbents, spending limits or not, is to begin a race with millions of dollars in the bank.

The effective date clause in this bill amounts to nothing more than incumbent protection, and it is not fair to challengers. It should be eliminated. I think we should show the American public we are ready to act on this issue now. I do not believe there is a justifiable reason to postpone the effective date of this act.

Let me also point out that there have been times when we have passed legislation by the Congress and was signed by the President when the effective dates are always much sooner than 3 years away. And sometimes those pieces of legislation cause some discomfort to American citizens in complying with those laws. I know that many of them would like to have as long as 3 years to come into compliance with the law. Unfortunately, that is generally not the case.

For example, we passed, on July 26, 1990, the Americans With Disabilities Act of 1990. And there were many titles of that bill that took effect almost immediately. We passed the agent orange settlements payments, which were excluded from accountable income and resources under Federal means testing programs, and it was approved on December 6, 1989, and was effective upon enactment.

Mr. President, there are many, many bills that affect Americans, affect business people, small and large. We pass legislation and we certainly do not wait 3 years before they have to go into effect.

Mr. President, I think that we should do the same thing here because I believe also that the American people want campaign reform now, not beginning 3 years from now—frankly, an effective date of an election 3½ years from now.

So, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from Arizona has the floor.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum until we do get a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask for the yeas and Nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. BOREN. Madam President, I apologize to my colleague. As he knows, since he has been in some of the same discussions that I have just come from on this piece of legislation, we have been making some good progress. I am encouraged by it. I just had a chance to become informed about the amendment offered by the Senator from Arizona that would change the effective date of the legislation. I have consulted with the other authors on this side. We would be prepared to accept this amendment if the Senator will be willing to just vitiate the yeas and nays so we can continue these other discussions. We would then be prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is noted.

Is there further debate?

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, one of the elements of this debate which has disturbed this Senator is the almost total dismissal of questions relating to the constitutionality of various provisions in the proposal which is before us. It seems to this Senator that issues of constitutionality ought to be given more weight in the debate in the Senate on this, or for that matter on dozens of other issues.

As we read our history books and look at the debates which our predecessors engaged in over the years we find, from the beginning of the Republic through the discussions surrounding Watergate, serious and deep discussion on constitutional issues in this body.

In fact, of course, for some close to 200 years the Supreme Court has determined itself to be the final arbiter of constitutional questions. But that, it seems to this Senator, does not remove from the duties of U.S. Senators, indeed from the requirements of their oath, to question seriously and to consider matters of the constitutional implications of the provisions with which we deal. It comes up with particular reference to questions surrounding the first amendment in connection with some of the provisions of this bill. But it comes up quite frequently. And it has been a matter of increasing concern to this Senator.

As a consequence, he wonders whether or not the distinguished junior Senator from Kentucky would outline briefly at this point for the edification of this Senator, those areas, those provisions in this bill which he believes to have constitutional implications and to tell the Senator whether or not he believes that all of those constitutional implications relate to first amendment matters.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I say to my friend from Washington, the bill is riddled, literally riddled with obvious constitutional defects. As a matter of fact, the distinguished junior Senator from South Carolina, in offering a sense-of-the-Senate resolution calling upon the Senate to amend the Constitution which was offered in the course of this debate 10 days or so ago, said it all when he said the bill is full of coercive and unconstitutional provisions.

The Senate wisely, in the judgment of this Senator, decided not, in effect, to amend the first amendment for the first time in 200 years because it takes 67 votes for a constitutional amendment to clear this body, and only 52 Senators voted for that resolution. But

the debate made it clear that at least some on the other side understand this bill is completely unconstitutional. Thereby——

Mr. GORTON. If I can interrupt, that constitutional question related to the provisions in this bill dealing with the limitation on expenditures for communications in connection with political campaigns, am I correct?

Mr. MCCONNELL. Precisely. The Supreme Court said in the Buckley case that spending is speech; that in this modern society, in order to magnify and amplify one's voice in running for public office, you simply must use mass communication and that it is constitutionally impermissible to dole out speech in equal amounts, to say to the Senator from Washington, you can only speak so much and your opponent can only speak so much.

The Court proceeded, however, to uphold the spending ceilings, the speech limitations in the Presidential system by pointing out that they were truly voluntary—truly voluntary. As a matter of fact, if one agrees to limit his or her speech in running for President of the United States, nothing befalls that candidate. They do not lose a broadcast discount. They do not trigger public dollars for an opponent. They are not required to put pejorative disclaimers in their television ads. It is truly voluntary.

Further in the case, the Court struck down the mandatory spending ceilings for congressional races as a violation of the first amendment.

The proponents of this legislation have sought to cure the constitutional defect by declaring the spending ceilings, that is the speech ceilings, in this bill voluntary when they are not. They are not. If one is so audacious as to want to speak too much in his campaign under this underlying bill, your troubles have just begun. You lose the broadcast discount, public dollars are triggered for your opponent, you have to put a pejorative disclaimer in your ads that makes you look like you are on your way to prison. I wish I had that language. I will get that language for my friend from Washington that is required in the disclaimer of the candidate who chooses to speak freely, which is entirely permitted under the Supreme Court decision.

He is required to put this pejorative disclaimer in his television spots that render them largely ineffective. The candidate says in his own spots, paid for either by his own money or money he raised from people who voluntarily contributed to his campaign: "This candidate has not agree to voluntary campaign spending limits," as if he had somehow committed an atrocity.

So I say to my friend from Washington, I am nowhere near as knowledgeable as I should be about the rules of the Senate, but a point of order, I am told, typically lies against legislation that is blatantly unconstitutional. This legislation certainly is. The ACLU opposes this legislation, not exactly a group typically affiliated with Republican causes, I might add, because they can read the plain meaning of this legislation, which is to mandate limits on speech.

Mr. GORTON. Madam President, the distinguished junior Senator from Kentucky has itemized at least three items, if this Senator has heard him correctly, in this bill which he believes at least create very serious first amendment problems. Let this Senator list them and see if he has them correctly.

The first is the provision which provides substantial discounts on various forms of mass media for those who agree to the spending limits in the bill.

The second provides for additional dollars out of the Treasury to match the dollars of a candidate who has not agreed to these voluntary limits.

And the third requires that the Senator from Kentucky has called a punitive disclaimer on most, at least, of the television and radio advertising on the part of such a candidate.

If the Senator from Washington is correct in these three instances, are these, to the best of the knowledge of the distinguished Senator from Kentucky, the only elements in the bill which carry serious constitutional implications?

Mr. MCCONNELL. In addition to that, Madam President, I say to my friends from Washington, in addition to the three items that he lists that I referred to, the Court in the Buckley case also said that no citizen or group could be restrained from engaging in what is typically referred to as independent expenditures; that is, to go out and either support or oppose any candidate they choose anywhere in America, and people have an unfettered right to speak for or against anyone in the American political process.

Ah, but alas, under this bill, if a group seeks to do that, the candidate, against whom such speech might be uttered, benefits by receiving tax dollars to counter those independent expenditures. As a matter of fact, the example I like to use, because it illustrates the foolishness, the downright danger of this, in addition to the unconstitutionality of it, is the situation where a civil rights group, say, B'nai B'rith, might choose to make an independent expenditure against a candidate, for example, David Duke, running for the U.S. Senate in Louisiana. David Duke would get tax dollars from all of us to counter the independent expenditures of a civil rights organization against his candidacy in Louisiana. Not only is it unconstitutional, I say to my friend from Washington, it is also a result I assume most of us would not approve of just as a practical matter beyond the unconstitutionality of it.

This is the sort of thing that will happen all the time. This is going to happen all the time. As a matter of fact I can envision—just looking at the practical application of this provision, let us assume that an independent expenditure against a candidate says something like this: We want to commend Senator BROWN or Senator SMITH, Senator Jones for consistently supporting increased taxation. Is that an expenditure for or against the Senator? Is that designed to help or hurt the Senator? And who gets the tax dollars to reply, if a reply is in order? In short, this provision, in addition to being unconstitutional, is unworkable nonsense that will be wreaked across the American political landscape with impunity under this provision.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I thank the Senator from Kentucky for this analysis. I particularly wish to emphasize the last set of distinguishing points which he made.

There are, of course, strong arguments I think one must admit on both sides of the question as to the desirability of the use of public funds in connection with political campaigns.

This Senator, of course, agrees with the distinguished junior Senator from Kentucky that this is an undesirable expenditure of public funds perhaps at any time, but, certainly at a time in which we have a $300 billion deficit, that, as the Senator has so quaintly described, the custom of food stamps for politicians does not reach a level of priority that we in the U.S. Senate should be voting additional public funds.

Nevertheless, there is obviously an argument on the other side of that issue which is a pure policy argument and presumably should be decided and determined in the normal manner in which we determine controversial public issues in this body.

The reason that this Senator appears on the floor now, however, has to do with the other half of that argument. And it does seem to this Senator that these constitutional questions have been rather cavalierly dealt with or perhaps, to a great extent, ignored in connection with this advice. Every one of these four instances which the Senator from Kentucky has listed in the last few minutes deals directly with the heart of the first amendment, the right of unrestrained freedom of speech under the Constitution.

While almost every form of speech is protected by the Constitution, it is clear that James Madison and the others, who found the Bill of Rights so necessary to our Constitution that it was the first order of business in the first Congress of the United States, felt that at the heart of the affairs of a free country, of a free republic, was an un-

restrained right to political speech. And as this Senator reads history, the newspapers, which were the principal form of communication in those days, were perhaps even more harsh on political figures than is the case today. Each of us feels that they are plenty harsh today.

Nonetheless, it was the genius of those who wrote the Bill of Rights to say that society was much better served by the broadest possible dissemination of ideas, good, bad and indifferent, and that it was up to the citizenry to sort out those ideas. Yet the Senator here has listed at least four instances in which there are raised serious constitutional questions about major restrictions on the right of free speech, leaving aside practicability, leaving aside a general desirability of the use of taxpayer funds for an election, serious limitations of rights of free speech.

The Senator is correct, the junior Senator from South Carolina was at least willing to deal with this issue in a straightforward fashion by offering an amendment calling on us to change the Constitution to allow these restrictions on free speech. I am convinced that this body would not pass any such constitutional amendment, and I strongly suspect that if the Congress did, an insufficient number of State legislatures would ratify such a proposal.

We are on a bill which contains these serious limitations, a bill promoted and voted for by many Members of this body who in every other context would denounce the slightest infringement on rights of free speech, and yet many of these Members seem indifferent to these constitutional questions.

Mr. MCCONNELL. Will the Senator yield on that point?

Mr. GORTON. He would.

Mr. MCCONNELL. As a matter of fact, there were Senators who were quoted in the debate on the flag burning constitutional amendment as having said the first amendment should never be amended for any purpose, at any time, ever, who ended up voting for the sense-of-the-Senate resolution last time we were here, before the recess; almost an indication of willingness to look the other way when modifying the first amendment achieves a result we desire but act the absolutist when an effort is made to modify the first amendment in a way of which we approve.

Mr. GORTON. I thank the Senator from Kentucky.

I reiterate the original point I made. It seems to this Senator that a central point of debate during the course of the weeks in which we have been involved on this issue ought to be these constitutional questions, ought to be not the desirability in some abstract sense of public funding or of a number of other provisions here, but the question as to whether or not they do infringe on the first amendment rights of a class of people who are at least, at the present time, relatively unpopular. But it is exactly those unpopular ideas and sometimes unpopular methods of communicating ideas that the first amendment was designed to protect.

Now, this Senator, who has been a State attorney general and argued numerous cases in the Supreme Court, is not on the floor today to make and express an unqualified statement of opinion as to the constitutionality or unconstitutionality of these provisions. The Senator is inclined to believe that they are unconstitutional, but he has reached those views without a careful word-for-word study of the Buckley decision or of other decisions relating to free speech.

He does wish, however, that such a debate were carried on this floor by those who had studied these constitutional issues carefully, under which circumstances he would do so himself, and he wishes that he could identify a single vote by a single Member of this body which was cast not on the basis of the merits but on the basis of that person's sincere views of what the Constitution requires.

It is the belief of this Senator that if we did debate this issue on those constitutional questions, this bill would end up looking quite different from the way it looks today. And that in the absence of a thoughtful and persuasive brief asserting these provisions to be constitutional, this Senator at least believes we are constrained to vote against the proposal whatever our views on the necessity for election reform.

I thank the Senator.

Mr. MCCONNELL. I say to my friend from Washington before he leaves the floor that the American Civil Liberties Union—my friend from Washington said he had not studied this in detail himself, but others have. The American Civil Liberties Union testimony before the Senate Rules Committee was quite confident, quite confident—this is an organization that exists largely to litigate first amendment cases, many of them unpopular causes, follows the Supreme Court very closely—has very few doubts that this underlying bill is blatantly unconstitutional.

I would say to my friend from Washington, again, we are making it worse. We did it again in an amendment before the recent recess by passing, on a vote of 47 to 45, an amendment that would require even letters to the editor to be registered with the Secretary of State and the Federal Election Commission before they were dropped in the mail, a clear prior restraint on speech.

Mr. GORTON. Will the Senator yield?

Mr. MCCONNELL. I yield to my friend from Washington.

Mr. GORTON. This Senator had forgotten that vote, and this Senator believes he can say with an immense degree of confidence that that provision is openly, blatantly, and outrageously unconstitutional.

Mr. MCCONNELL. Madam President, it is interesting to note that a number of newspapers around the country, even some which have editorialized in favor of the underlying bill, are beginning to maybe take a look at the constitutional implications of this, as the Senator from Washington said.

One of them in my home State, the Lexington Herald-Leader, had an editorial after that vote to which we were just referring, the prior restraint amendment which would seek to require a regular citizen writing a letter to the editor on behalf of or in opposition to a candidate, to be filed first with the Secretary of State and the Federal Election Commission. Even that newspaper found this blatantly unconstitutional.

My friend from Washington also made observations about the conduct of campaigns. I wish we had more students of American history in this body because the senior Senator from Washington is absolutely correct. Campaigns in the previous century were much rougher, much nastier than they are today. And this notion out in the land that somehow campaigns have deteriorated in content, even though controlling content is constitutionally impermissible anyway, but if we are going to be sort of the character cops, even if the Constitution would allow us to be the character cops of speech in campaigns, if you look at the tone of today's campaign versus virtually any campaign in the previous century, today's campaign pales in comparison to the false accusations, outrageous claims, rumors, and innuendoes.

Campaigns are considerably better today than they were in those days. They are a lot better than they were 30 years ago or 40 years ago. The notion that we somehow have to go out and clean up this speech—the courts are not going to let us do that anyway in the end, but the notion that we must do that is completely foreign to the Constitution.

Mr. GORTON. I thank the Senator.

Mr. MCCONNELL. Madam President, I would like to ask unanimous consent that the Lexington Herald-Leader editorial that I made reference to appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lexington (KY) Herald-Leader, June 5, 1993]

REFORM? NO, RESTRAINT

Sen. Mitch McConnell and the American Civil Liberties Union on the same side? Sounds strange, don't you think?

But the right-of-center Kentucky Republican and the ACLU, a perennial target of conservatives, are united in their opposition to at least one facet of the campaign finance bill now being debated by the Senate. And these strangest of bedfellows are right.

Last week, the Senate added what McConnell referred to as some "unconstitutional silliness" to the bill that would provide public financing for congressional campaigns. The silliness came in the form of an amendment sponsored by Florida's Democratic Sen. Bob Graham. The amendment tramples all over the constitutional guarantee of free speech.

Graham's amendment, approved 47–45 by the Senate, would apply to anyone mailing a campaign ad or "any other communication to the general public" advocating a candidate's election or "directly or indirectly" referring to an opponent. The same day a person sent out such a mailing, he would have to file a copy with the Federal Election Commission and with the secretary of state in the state where the election is being held. Failure to do so could be punishable by a $5,000 fine.

To get an idea what this amendment would mean, think of it on a personal basis. Have you ever written a letter to the editor of any newspaper about a congressional candidate? Well, that's a "communication to the general public." If the campaign finance bill is enacted as amended, you would have to file copies of future letters with the FEC and the Kentucky secretary of state or face a fine—at least until the courts throw this pile of garbage in the constitutional landfill where it belongs.

Graham's amendment was offered with decent intentions. He wants campaign ad mailings to be subjected to the same public and press scrutiny that broadcast media ads receive.

But Graham's amendment amounts to the most objectionable sort of prior restraint on your freedom of speech. If this is indicative of the kind of unconstitutional trash the campaign finance bill contains, it's a waste of congressional time and public money to even be debating the measure, much less enacting it.

Mr. FORD. Madam President, it has been interesting for a nonattorney to listen to these two attorneys agree with each other. Maybe that is the reason they do not allow attorneys on juries. I have had attorneys turn around and say, "How should we go on this issue? Go either way. We will make one heck of a case."

Everybody is speculating on what is constitutional and what is not constitutional. We do not have a final bill before us yet. There is one fact here that we are missing. We talk about freedom of speech. Well, the incumbent has about 10 times more freedom of speech than the challenger. The present Presiding Officer understands how hard it is to be challenger against an incumbent. I understand that.

So what we are trying to do here is level the playing field. We talk about the campaigns being so good today. It is negative campaigning. If that is better and negative campaigning is better, you have more money to put out negative campaigns to damn your opponent. That is fine. If that is better campaigning it is the eye of the beholder. It is not in this one.

So, Madam President, I think what we need to do is to try to encourage the people to get to a point where we can level the playing field.

If you do not have all of this money, maybe you have to go to the courthouse and have a rally, maybe you have to go to the courthouse and make a speech, maybe you have to go from door to door to talk to people, maybe you have to stand at Wal-Mart's, Sears & Roebuck and meet and greet people because you do not have enough money to get on television. That is that point here. That is the money you want. It is television. So we are trying to level the playing field. But every time you get something that you think is just about there, these lawyers jump up and say it is unconstitutional.

My dad said a little knowledge of the law is dangerous. Get you a good lawyer and stay with him. I am not a lawyer. I have been trying to get some good lawyers to give me some help. We have in the Rules Committee some people that are pretty decent legal scholars who say that our bill is constitutional.

So there are both sides. That is what the Supreme Court is for. That is what a jury is for, as we go that route, to make a decision whether guilty or not guilty, or constitutional or not constitutional.

So at that point, I appreciate the Senator from Washington saying that is his speculative judgment. He is making a judgment on the constitutionality of this bill when he admits he has not studied the Valeo case and he has not applied this bill to the Valeo case. That is his speculative judgment.

Let us hope that the Supreme Court in its judgment will help us have people out there that will talk about issues, men and women that are interested in running for public office because they are dedicated, not because they raise more money, not because they have a war chest—they start the day after this last election and for 6 years they raise money. They raise money for 6 years around here. They are going all the time.

The biggest problem you have is to vote on Monday or Friday is because some Senator on both sides of the aisle is somewhere raising money. He has a fundraiser here or a fundraiser there. It may be in California, New York, or maybe at home even, then have a little fundraiser. It is money, money, money. Somehow the money chase has to stop. The money chase has to stop.

So if we can get over the money chase, if we can find a vehicle that is constitutional, then we ought to pursue it. I say to my friends that when the senior Senator from South Carolina had his sense-of-the-Senate resolution, he admitted in some respect that if you cannot get it this way, let us assure it by having an amendment to the Constitution, saying that we then have the authority to do all of these things we are trying to do.

So I hope, Madam President, that we can try to pursue a way to find a bill that will help the political system and stop the money chase, money chase, money chase.

Seven thousand dollars a day, $5,000 a day, every day for 2 years before an election. That is an awful lot of money to raise; $4 million for a campaign, which was the average last year, up considerably.

So I understand all of these antis. We ought to get pros somehow. If we can have procampaign finance reform, then I think the citizens of this country would have an opportunity for people to come to this body which debated the issues, and maybe we will not have to worry about the deficit. Maybe we will not have to worry about these things because people will be here working at what they are elected to do rather than out across the country on a money chase.

So I understand that they are going to do everything they can to delay; going to have all kinds of amendments, amendments also that are approved, are voted for just to hope they make this bill unconstitutional. They will support amendments that will help make this bill unconstitutional.

Thank goodness, we have a conference. Maybe we can clear it up in that, because I believe this bill will pass. It must pass so that we can start developing a better campaign field, a better campaign attitude, a better reflection and feeling of the American people toward those who are in the political arena.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. MCCONNELL. Madam President, the Buckley case was pretty specific on the issue of leveling the playing field. They said it is constitutionally impermissible to do that. It said it cannot, consistent with the first amendment, dole out speech in equal amounts. The case was quite specific. I do not think there is much of a chance that there is any greater quantifying speech saying that A can only speak so much, and B can only speak so much. It is clearly constitutionally impermissible. I do not think that is even in the gray area with regard to the notion of delay.

I would just say to the Senate that there have been I believe 15 amendments offered by the Democratic side, and either 6 or 8 offered by the Republic side. Most of the time and most of the amendments offered on this bill the first week it was on the floor were offered by the other side.

So we are now in the process of offering a number of amendments on this side, and are not attempting to delay the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 392 to amendment No. 366 offered by Mr. MCCAIN.

Mr. BOREN. Madam President, I understand we will be prepared to vote shortly on that. I put Members on notice that we expect to vote within the next 10 minutes or so on this amendment.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, in consulting with the floor leader on the other side of the aisle, I believe we are prepared now to terminate debate and proceed to vote on the McCain amendment.

Mr. MCCONNELL. Yes, that is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—85

Akaka	Burns	Daschle
Biden	Byrd	DeConcini
Bingaman	Campbell	Dodd
Bond	Chafee	Dole
Boren	Coats	Domenici
Boxer	Cochran	Dorgan
Bradley	Cohen	Durenberger
Breaux	Craig	Exon
Brown	D'Amato	Faircloth
Bryan	Danforth	Feingold
Ford	Krueger	Pryor
Glenn	Lautenberg	Reid
Gorton	Leahy	Riegle
Graham	Levin	Roth
Gramm	Lieberman	Sarbanes
Grassley	Lott	Sasser
Gregg	Mathews	Shelby
Harkin	McCain	Simon
Hatch	McConnell	Simpson
Heflin	Metzenbaum	Smith
Helms	Mikulski	Specter
Inouye	Mitchell	Stevens
Jeffords	Moseley-Braun	Thurmond
Kassebaum	Moynihan	Wallop
Kempthorne	Murray	Warner
Kennedy	Nickles	Wellstone
Kerrey	Packwood	Wofford
Kerry	Pell	
Kohl	Pressler	

NAYS—7

Bumpers	Lugar	Rockefeller
Feinstein	Mack	
Johnston	Robb	

NOT VOTING—8

Baucus	Coverdell	Murkowski
Bennett	Hatfield	Nunn
Conrad	Hollings	

So the amendment (No. 392) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1082 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I just want to make a brief remark about why I was one of the, I think, maybe seven people who just voted "no" on the last amendment. The reason I did is because it is a bad amendment. But I think there is a point that ought to be made on that, just for the record, in case it was not made previously. It is that here we are talking about campaign finance reform and what we did was just institutionalize the fact that there will be very little reform.

If I am an incumbent running in 1994 and I have $2 million in the bank, and let us assume further that nobody has announced against me and assume further that my limit is, say, $3 million under the bill—$3 million is the most I can spend under the bill—No. 1, I only have to raise $1 million because I already have $2 million that is generally conceded to be unfair under the very terms of the bill because I got $5,000 of PAC checks, I got $1,000 in individual checks, and I get to keep that money. I sock it away in the bank and all I have to do is raise another $1 million.

My opponent, yet unknown and unnamed and unannounced, will still have his $3 million to raise. I can tell you, under the terms of this bill, he is going to have a tough time raising it unless he is a very, very well-known person in that State.

So what you have just done by passing this amendment is to give the incumbents an enormous advantage in 1994. That is the reason I voted "no."

AMENDMENT NO. 393

Mr. GREGG. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 393.

Mr. GREGG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 802(b), insert a new subsection (c), as follows:

"(c) CLARIFICATION OF RELATIONSHIP TO POTENTIAL RECONCILIATION ACT PROVISIONS.—Notwithstanding any other provision of this Act, if a provision that disallows (in whole or in part) the Federal income tax deduction for lobbying expenses is included within the version of the Omnibus Budget Reconciliation Act of 1993 that is enacted into law, then, for purposes of subsection (a) of this section, the Director of the Office of Management and Budget cannot use the revenues associated with the enactment of such a disallowance for certifying that legislation providing for offsetting revenues has been enacted."

Mr. GREGG. Madam President, this amendment is an attempt to clarify what I think is a very obvious inconsistency in the bill as it presently stands before us. If you look at the language of this bill, in section 802 it states that this bill should be paid for essentially by funds which will be derived by limiting the deduction for expenses paid or incurred for lobbying. That is the goal, the manner in which this bill is to be funded.

What my amendment accomplishes is to be sure that this bill does not end up aggravating the deficit in the way it is funded. Because, if you look at section 802 in the context of what was passed in the Mitchell-Boren substitute to the McConnell amendment on May 26, you will see that the Mitchell-Boren amendment stated that those lobbying expenses which are to be used for the purposes of funding this bill, those lobbying expenses shall be picked up under any law which shall be used to repeal those expenses and that it is the obligation of the OMB Director to certify that the funding mechanism that is used to fund this bill does not increase the deficit and is, in fact, a funding mechanism which derives its revenues from the lobbying deductions.

The problem that arises under this language is that we presently have pending the reconciliation bill that came out of the House of Representatives. And in the reconciliation bill

that passed the House of Representatives, the lobbying expenses are used for the purposes of funding the reconciliation bill. Thus, you have a total inconsistency here because you have the Mitchell-Boren substitute essentially saying that the moneys which are to be used for the purposes of funding this bill shall be absorbed from any bill which passes—a law which repeals those lobbying expenses, but at the same time you have the reconciliation bill which has repealed those expenses and uses those moneys to reduce—to meet the reconciliation instructions.

The practical effect of these two inconsistent positions is that either, one, the OMB Director is never going to be able to certify this bill as meeting the obligations of section 802 because of the fact that the lobbying expenses will have been used or, two, you will end up with an aggravation of the deficit.

I think we can all agree that the purpose of this bill is not to aggravate the deficit. Therefore, what I have proposed in this amendment is to make it clear that if the reconciliation bill does use these lobbying expenses, then the OMB Director cannot certify that those lobbying expenses can be used to fund this bill also. You cannot have it both ways. You cannot have it twice.

In doing so, in agreeing to this amendment, we will accomplish the very simple goal that is set out in 802, which is the deficit will not be expanded by this bill. It will mean, of course, to be quite open about the practical effect of this amendment, that should the reconciliation bill continue to absorb the lobbying expenses, then they are going to have to go out and find some other revenue source to pay for this bill.

I think it is fairly obvious that this is a very expensive piece of legislation and that you have a lot of people in this country who have serious reservations about the idea of dipping into the Federal till to pay for this piece of legislation.

I, for one, have very deep reservations about the whole concept that we should be using taxpayers' money at all to pay for this legislation.

But, very clearly, we should not be accounting for taxpayers' money twice to pay for it and we obviously should not be borrowing from the next generation in order to fund political campaigns for this next year or the following year. That makes no sense at all, which is what would happen if you deficit spend to fund this piece of legislation which is one of the two potential solutions under this bill as is presently drafted without my amendment.

So the purpose of my amendment, as I said, is simple and is clear, and that is that we should make it very clear in the language of this bill, if the reconciliation bill passes in its present form, then the OMB Director will not be in a position to certify lobbying money will be used for purposes of identifying the expenses, of identifying the funds for the purposes of funding this bill and as a result will have to look somewhere else to pay for this bill. But what we cannot look to is an aggravation of the deficit.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? No, there is not.

Is there a sufficient second? No, there is not.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I commend my colleague from New Hampshire for his continued good work on this and other issues.

The point of his amendment is clear. You cannot spend the same money twice. You cannot spend the same money twice. It is like the old story about the compulsive check bouncer who protested when he was apprehended, "But I can't be out of money; I still have some checks."

The Senator from New Hampshire has correctly noted that the revenue source which this bill's sponsors have identified as the funding mechanism for the bill has already been used. It has already been spent. The anticipated revenues from repealing the so-called lobbying deduction already have been committed as an offset in the reconciliation bill that has previously passed the House. Yet, some are claiming we cannot be out of money; we still have some checks.

This amendment is a necessary safeguard, a necessary safeguard against further deficit spending because it says quite simply that you cannot spend the money twice. Elementary, it would seem to me. If the lobbying deduction revenues are spent in the reconciliation package, then you cannot also find it here to justify the fiction that this bill will not increase the deficit. And it is indeed, Madam President, a fiction to argue that this bill will not increase the deficit.

So I rise to commend my friend from New Hampshire for once again keeping us honest, if you will. This is another sort of truth-in-packaging amendment.

It walks like a duck, it quacks like a duck, it is a duck. We always said that down home. What my colleague from New Hampshire is doing to making sure that it is clear that you cannot spend the same money twice.

So I want to thank the Senator from New Hampshire for once again making a very positive contribution to the debate on this issue and thank him for his good work

Mr. GREGG. Madam President, if the Senator from Kentucky will yield, I want to thank the Senator from Kentucky for his kind words. I reciprocate those feelings, the point the Senator from Kentucky was making about this bill. He has clarified it and pointed out the fundamental deficiencies of this bill, which are innumerable.

However, what this language tends to do is really help the sponsors of the bill along a little bit by making the bill enforceable where it is not now enforceable because the language of 802 is inconsistent with the language of the reconciliation bill and the Mitchell-Boren amendment to the amendment of the Senator—is inconsistent with both of those statutes as presently structured. So this is really an attempt just to clarify the law so that when the OMB directs the request for certification, he knows what he or she should do and he or she is not put in the position where they have to choose between two conflicting pieces of legislation which on their face are not compatible—the reconciliation bill, section 802, and the Boren-Mitchell amendment to the Senator's amendment.

Very clearly, the language of 802 says there should be no deficit sending on this bill, and what this amendment accomplishes is to make it unalterably clear, as the Senator says, and you cannot count the checks twice and therefore you cannot have deficit spending.

So I thank the Senator for his courtesy and making even my amendment clearer to me.

Mr. BOREN. Madam President, if I might ask my colleague from New Hampshire, as I read the amendment—I have been studying the amendment—it does appear to me that it is something of the same amendment that we voted on, I believe rollcall No. 126, when we had this same question before as to what we were going to do with the lobby tax deduction, how it was going to be used. We explained at that time that there would be a portion of those funds that have been raised that would apply to the deficit reduction. That amount was assumed in the House Ways and Means Committee. As I indicated in my letter of May 27 to Senator WARNER, $800 million over 5 years would be raised.

The CBO has indicated that the outside cost for the campaign finance reform bill for both the House and Senate elections is approximately $360 million if all took advantage of the current proposals.

The Senate is planning a reconciliation bill to adopt the definition of lobbyists contained in the Levin-Cohen lobby registration bill when the reconciliation comes before the Senate. That will increase the number of lobbyists, it is estimated, from 6,000 up to

20,000–30,000. CBO estimates that under the Senate plan approximately $1.2 billion would be raised.

So certainly it is far more than enough to pay for the provisions of this bill plus leaving $800 million by this estimate for deficit reduction.

As I read the amendment of the Senator from New Hampshire, I would like to ask him if he thinks this is correct, because it is said that any provision that disallows in whole or in part Federal income tax deduction for lobbying expenses which is included in the reconciliation bill—even the provision where it is expected to adopt on the Senate side which is in excess of what has been adopted on the House side, approximately $400 million, which would be sufficient to pay for the cost of this bill, could not be then certified by the Director of OMB as a revenue for use for the purpose of a campaign finance reform bill.

Is that correct? Is it the intent of the Senator from New Hampshire that whether we adopted the proposal that raises $800 million or a proposal as we expect the amendment in the Senate to raise $1.2 billion that none of those funds could then be used since they appeared in the reconciliation bill? It is my understanding we were not going to count that additional amount as deficit reduction. In other words, we would not engage in double counting. We were simply going to use that $360 million to put it into the trust fund to pay for the cost of this bill.

As I understand the Senator's amendment, that would not be allowed if this amendment were adopted. Is that correct?

Mr. GREGG. Madam President, if the Senator from Oklahoma will yield, no. That is not absolutely correct. In fact, to the extent the reconciliation money is not used to offset the deficit in terms of reconciliation language, then they would be available.

Mr. BOREN. We have been looking at it. I just have to say in all honesty, the staff, our staff, and from my own reading of the amendment, it appears to be broader than that. It would appear to me that for purposes of subsection (a) of this act, the Campaign Reform Act, that the Director of OMB could not allow the disallowance of lobbying expenses to certify a revenue source for this bill. So that causes me concern.

AMENDMENT NO. 394 TO AMENDMENT 393

(Purpose: To provide that revenues derived from the disallowance of tax deductions for lobbying expenses shall be used to reduce the deficit and to reduce the role of special interests in congressional election campaigns)

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 394 to amendment numbered 393.

In the amendment strike all after "Provisions" in line 5 and insert the following:

The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury, to reduce the deficit, and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

Mr. BOREN. Madam President, this is very similar to the amendment—it seems to me we are voting on the same issue as we were voting on before on May 26. It may not be the intent of the Senator from New Hampshire but I, in all honesty, believe that is what the language of his amendment, if not clarified, would do.

What the second-degree amendment says is simply this: that funds raised for this purpose by ending the lobbying deduction, those funds, the $360 million, if that turns out to be the correct figure—that is the OMB's estimate—would be used to fund this particular bill, the campaign finance reform bill; the remainder of the estimated $1.2 billion, which again according to CBO's estimate is what the anticipated Senate action would raise, would flow into the deficit reduction. That would mean that approximately $800 million raised under the House Ways and Means version would off load the deficit reduction, and that the amount in excess of that, up to $360 million—that is the practical effect of it—would flow into the funding of this legislation.

The President has indicated that we should specify how this bill would be paid for. He feels strongly about being responsible about new programs. This is a very important program and he feels—as with any of these programs—we should specify how we are paying for them. We had a letter from several of our colleagues on the other side of the aisle, who requested that we specify in the bill how it would be paid for. That is the reason we put in the section here being amended. We provided that the act would not take effect until an identified source of funding was certified for its use sufficient to carry it out.

That is exactly what has happened, and partly as a result of the request of the other side of the aisle that we specify it. The President indicated in a letter to me, which I previously had printed in the RECORD, in replying to Senator WARNER, that that would be the source of funding that was his intent, and his intent was to support the corrective language in the Senate to track the Levin-Cohen language, so that that would be the method of payment.

Madam President, in all sincerity, I believe that if the Gregg amendment were adopted as it is—and that is why I sent the second-degree amendment to the desk—it would have the effect of making it impossible for us to use any of the funds derived from ending the lobbying deduction for the purpose of financing campaign finance reform.

This legislation is extremely important, as I have said on many occasions. I think there is a direct relationship between the way we finance campaigns in this country and deficit reduction. I think the fact is that more and more money is being poured into campaigns by people who, unfortunately, expect something in return.

There is an old story I heard recited. Someone at a fund raiser got up and said, "We know that you are all here, and you have contributed millions of dollars tonight. We want you to know that in return for your generosity of contributing these millions of dollars, we are going to give you good government and a whole lot more." The implication was that they expected "a whole lot more" than just good government. They expected, and in fact desired, some additional benefits, such as pet projects passed into law.

We think about the spending projects, the pork barrel projects we read and hear so much about, the interest groups have the ability to raise large amounts of campaign funds, and they are often the beneficiary of these projects. When we think about special tax breaks put into the Tax Code that are simply not usable by the vast majority of the American people, the average citizen, certainly a terrible price is paid. The lost revenues from those loopholes put in the Tax Code, additional spending coming from pork barrel projects—some of its related to the fact that millions of dollars has to be raised from special interest groups and campaigns—these all have a bearing on the deficit.

I do think the American people understand they are paying a price right now for the fact that we do not have campaign finance reform. They are paying the price because the system increases the influence of special interests as opposed to ordinary citizens, and it keeps new people from entering into politics and from becoming challengers to incumbents, because it is so discouraging when you realize that you are up against that tremendous fundraising ability, which is not limited under current law, of incumbent Members of Congress.

So, Madam President, I do believe that this bill is not only wholesome for the system in terms of restoring integrity to the Congress of the United States, by reforming the way we finance campaigns. I think it will have an impact upon the deficit. We will have more time to devote to that issue and toward studying how we can get the deficit down, because we will have less time we are going to have to devote to full-time fundraisers, and we

will have less time to devote to raising funds, and we can devote more attention to our work, and we will be less obligated to special tax breaks or projects that cost the taxpayers' money, as a result of changing the way we finance campaigns.

So I just have to say, in all sincerity, to my colleague that I, therefore, as manager of the bill, could not accept the amendment as it was and felt obligated to clarify that some of the funds will be used directly for deficit reduction, and the other funds will be used—at least under the terms of this bill—to finance this bill. It is an important piece of legislation, and we do not want to raise the possibility, under the language of the underlying amendment, to be deprived of the possibility of using some of those revenues.

As I say, all of them would not be required. It would raise far more than would be required to finance this bill. Many feel it is highly appropriate and that special interests, who can afford to hire a lobbyist and expend large sums of money for lobbyists in this city, contribute to a clean government fund, to help us reform the way campaigns are financed and help us get Government back to the people again.

So, Madam President, for the reasons I have outlined, I have to oppose the underlying amendment and urge my colleagues to adopt the clarifying amendment in the second degree, so we would not be prevented from using these revenues for the purpose of campaign finance reform.

Mr. GREGG. If the Senator will yield, explain to me what happens if this bill does not pass; would the money you just referred to be in the reconciliation bill?

Mr. BOREN. It is my assumption that the funds would all flow into the general revenue fund of the Government.

Mr. GREGG. If the Senator will yield further, does that not mean the funds are going to be spent twice?

Mr. BOREN. No; I do not think it would, because if we raise $1.2 billion under this provision, that $1.2 billion flows into the general treasury, but sufficient funds as are necessary. That is estimated to be $360 million, to finance the Campaign Finance Reform Act over the period of time we are talking about, over 5 years. That $360 million would flow into a special trust fund to be used for the purpose of this act.

If the revenue estimates are correct from CBO, that would mean that $840 million would flow into the general fund and remain there for expenditures for other purposes, or deficit reduction. It is my understanding that the intent of the Senate is that we adopt the new language, the Levin-Cohen language, and that we, therefore, will raise in excess of what is required under the deficit reduction targets of the reconciliation bill.

In other words, if that target is $800 million, we raise $1.2 billion instead. We would not be double counting the money. We would be counting the $800 million in deficit reduction, but we would be counting the additional funds as going into a separate trust and would not be counting that as deficit reduction. So raising $1.2 million, count $360 million for the trust fund for the bill; $840 million for deficit reduction flowing into the general fund.

Mr. GREGG. Madam President, if the Senator would yield further, is the intention to roll the authorizing language of this bill into the reconciliation bill?

Mr. BOREN. Not the language of this bill. The statutory language would not be in the reconciliation bill itself. The revenues that would go into the trust fund for the purpose of funding this bill, if it is passed, would be in the reconciliation bill. It is my understanding that that will be the intent.

As we know, $800 million has been put into this bill, in terms of the way that the House Ways and Means Committee in the House of Representatives acted to end the lobbying deduction. The intent is to amend that further on the Senate side, to expand the definition of lobbyist, to contract the Levin-Cohen provision. That would raise an additional $400 million; $360 million of that would not be counted toward deficit reduction but toward the funding of this bill.

Because of the House rules and the provision that revenue bills should originate in the House of Representatives, we have not provided—the reconciliation bill being part of the revenue bill and meeting that test—we have not provided the revenue source directly to the campaign finance reform bill now before us in S. 3. For us to put the tax provision, revenue source provision directly into S. 3, it would subject us to a point of order in the House of Representatives that would have been initiating a revenue bill on the Senate side. So we have split the two. We have referenced our intended revenue source in S. 3. We have said S. 3 will not take effect until an identifiable source of revenue to pay for it is put into place, and we have indicated that it is the intent of the Senate that that source be ending the lobbying deduction in the Tax Code. And then the reconciliation bill, the other half of the proposal, would come in in terms of revenue source by passing this provision within the definition of the Levin-Cohen bill.

Mr. GREGG. For clarification, what happens if the House does not accept the trust fund?

Mr. BOREN. If the House did not accept the trust fund, then we would not have an identifiable source from which to fund this bill and, accordingly, this bill would not take effect until we have such an identifiable source, the intent of it being the lobby deduction.

So if that were to drop out of the reconciliation bill, if ending the lobbying deduction were not to be enacted, then we would have to go back to the drawing boards before this bill could take effect. It does not take effect, according to its language, until we have the identifiable source for it.

Mr. GREGG. If the Senator would yield further, I think that is exactly what my amendment accomplishes, what he just outlined; that if for some reason the House does not pass the trust fund but rather passes the deduction of the elimination exemption for lobbying, then you end up with those funds being spent in reconciliation for the purpose of meeting the obligation of reconciliation. Then you end up in a position where the only way that this bill becomes effective is by forcing the OMB Director to certify that money is available that is not available for deficit spending.

My language, which is fairly innocuous, is just an attempt to make it very clear that neither of those two options will be available and this bill cannot go forward if there is not an identified revenue source, as the Senator has so aptly described it, that is in existence. That really is what the language says it does.

I think the language which you propose as an amendment in the second degree is just a restatement, as you mentioned forthrightly, behind what we passed earlier in the Boren-Mitchell amendment to the original McConnell amendment, which I do not think really gets to the essence of the problem, which is that this bill, as expressly structured, could easily aggravate the deficit, creating a situation where the OMB Director certifies funds are available that are being spent twice.

I thank the Senator.

Mr. BOREN. Madam President, I say to my colleague, I understand his feeling about the amendment. I guess I just do not share the conclusion, because my reading of the amendment, absent our second-degree amendment, is that, in fact, it would deprive us of a source of revenue for the bill and, therefore, it would bring down the entire bill; that it would be a method of killing the entire bill; whereas, what we are suggesting clarifies that there will not be a double accounting, that we will use a portion of the revenues raised for deficit reduction and we will use a portion of the revenues raised for this purpose.

So I simply feel obligated again to continue to urge adoption of my second-degree amendment.

I ask unanimous consent that the majority leader, Senator MITCHELL, be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I ask for the yeas and nays on the amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MCCONNELL. Madam President, I am going to make a motion to table the second-degree amendment of the Senator from Oklahoma, But I want to make a few further observations very quickly before I do that.

As I understand it, Madam President, what the Gregg amendment says is that, if Congress spends the revenues from repealing the lobbying deduction to offset the reconciliation bill, then it cannot spend those same revenues the second time to offset this bill. It states a basic economic truth. And the fact that the other side opposes it goes a long way towards explaining why our Federal Government has a $4 trillion debt and counting.

What the second-degree amendment would do is siphon off some of the revenues already committed in the reconciliation bill for the purpose of providing taxpayer financing of campaigns. Funds that have already been targeted as a deficit-cutting offset will be used instead to pay for food stamps for politicians.

In short, the second-degree amendment makes it explicit—explicit—that the taxpayer-financed entitlements provided in this bill will be funded at the expense of deficit reduction. Dollars will flow to politicians instead of to the deficit.

Madam President, I believe that is a correct interpretation of what the Senator from New Hampshire seeks to do.

I would also note that the only second degrees that have been offered during this whole debate have come from the other side. The only time we have offered motions to table have been when we have been second-degreed on our amendments.

We have provided the opportunity for the other side to have up-or-down votes on every single one of their amendments, indicating we would like all Senators participating in this debate to have clear up-or-down votes on the issues that they raise in regard to this fundamental issue of what we are going to do to the first amendment of the Constitution.

That is what this whole bill is about. It is about speech. It is about the first amendment to the Constitution.

We are going to continue to try to create an atmosphere, at least on this side, and hope, through the creation of an atmosphere, that we will be given an opportunity to get up-or-down votes on very appropriate and useful amendments, such as the one offered by the distinguished Senator from New Hampshire.

So in our never-ending quest to get back to the underlying amendment which the Senator has offered, at this point, Madam President, I move to table the second-degree Boren amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. MCCONNELL] to table the amendment of the Senator from Oklahoma [Mr. BOREN].

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. KRUEGER], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 47, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—43

Bond	Gorton	McConnell
Brown	Gramm	Nickles
Burns	Grassley	Packwood
Chafee	Gregg	Pressler
Coats	Hatch	Roth
Cochran	Helms	Shelby
Cohen	Jeffords	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Specter
Danforth	Lautenberg	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	
Faircloth	McCain	

NAYS—47

Akaka	Feinstein	Mitchell
Bingaman	Ford	Moseley-Braun
Boren	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Heflin	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Leahy	Sasser
DeConcini	Levin	Simon
Dodd	Mathews	Wellstone
Dorgan	Metzenbaum	Wofford
Feingold	Mikulski	

NOT VOTING—10

Baucus	Hatfield	Murkowski
Bennett	Hollings	Nunn
Biden	Inouye	
Coverdell	Krueger	

So the motion to lay on the table the amendment (No. 394) was rejected.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 394) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I am informed we have not yet agreed to the underlying amendment, as amended.

The PRESIDING OFFICER. The Senator is correct.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as amended.

The amendment (No. 393), as amended, was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, we have been on this bill not for 8 days. This is an important piece of legislation. We have been dealing with amendments in an expeditious fashion, as quickly as Members have come to the floor to offer those amendments. We have had a lot of discussions on and off the floor about the details of this legislation. It has been our hope, after giving due consideration to this bill, we could move forward to act upon it with dispatch.

I wonder if I might inquire of my distinguished colleague from Kentucky, the floor manager of the bill on the other side of the aisle, if he feels we would be able to set a time certain, perhaps Thursday night of this week, to complete action on the bill and perhaps between now and that time work on a final list of amendments and try to seek time agreements.

That would mean we would have been on the bill for some 10 days, which would seem to be, even for an important bill, more than an adequate period of time. We have debated much of the subject matter in previous years. I think Members are intimately familiar with the details of the legislation and views that we all have. I just wonder if he thinks it might be possible to enter into a time agreement on individual amendments that would allow us to have a vote on final passage perhaps this Thursday night.

Mr. MCCONNELL. Mr. President, I say to my friend from Oklahoma that to date there have been 16 Democratic amendments and 9 Republican amendments, and the approximate time used

in the debate to this point is 11 hours and 20 minutes by the Democrats and only 8 hours and 10 minutes by the Republicans. So I think it is pretty safe to say, in looking at what has transpired to this point, most of the amendments, almost twice as many, and most of the time has been used on that side of the aisle.

I have a number of amendments to be offered by Senators on this side of the aisle who have not had a opportunity to do that yet. We have had a steady stream of them today, and we will have a steady stream of them tomorrow. So I cannot say at this point that I could enter into any agreement of the kind suggested by the Senator from Oklahoma.

Mr. BOREN. Mr. President, if we could not enter into an agreement perhaps now to lock in a time to vote on final passage by Thursday, would the Senator be willing to consider an effort that we might try to aim toward, so our colleagues could plan their own schedules, if we might try to aim for a time, perhaps Friday morning, we might be able to get to final passage on this legislation?

Mr. MCCONNELL. No. I say to my friend from Oklahoma, there are a number of amendments yet to be offered. I do not have a total head count, but we have really only offered nine. Most of the amendments that have been offered have been offered by the Senator's side of the aisle.

We are going to continue to lay down and vote on as many amendments as rapidly as we can. We are certainly not trying to delay the proceedings, but this is an extremely complicated measure. It deals with the first amendment to the Constitution, people's right of speech. There are a number of Members on our side of the aisle who have important amendments they would like to lay down, debate, and have considered. We have really just begun on the Republican side on amendments.

Mr. BOREN. Mr. President, those of us on this side of the aisle are certainly willing to allow every opportunity for legitimate amendments and those that are serious amendments to be offered on the other side and have adequate time to have them considered. We will be here again tomorrow doing exactly that. But I wonder whether or not it still would be possible and advisable for us to try to set a target.

If the Senator does not think it is possible we could finish by Thursday night or Friday morning, does the Senator think we should at least begin to perhaps get a list of all of the amendments we expect to be offered on both sides and then try to work out some agreements on those amendments? Does the Senator have any idea, if we could not get agreement for Thursday or Friday night, that we possibly might get an agreement early then the following week to vote on final passage?

Mr. MCCONNELL. Certainly we can discuss it at the appropriate time.

The Senator raised the issue of nongermane amendments. There has only been one nongermane amendment to this bill, which was not offered on this side of the aisle. All of our amendments, what few we have been able to offer, have been germane. We have not made a motion to table a single Democratic amendment. We have not second degreed a single Democratic amendment. We have not made any effort to deny anybody on the other side an opportunity to have a record vote on the substance of any amendment offered.

So, clearly, we have made no effort to detain the Senate. But this is an important measure. We do have a number of amendments yet to be offered, and we will continue, I assure my friend from Oklahoma, to proceed with dispatch, laying down one amendment after another, debating them and voting on them as rapidly as we can.

Mr. BOREN. Am I correct in assuming the Senator then would be willing to work with me in trying to get a list, composite list, so we would know how many amendments we have exactly on each side to offer and then, once we can get a list of those amendments, working out some kind of time agreement to bring us to a conclusion and to a final vote on this legislation?

Mr. MCCONNELL. I say to any friend from Oklahoma, I will be glad to try to figure out how many amendments there are extant on this side. I do not have any idea, frankly, at this moment, but I will be glad to try to proceed to ascertain just how many amendments may be being prepared on this side of the aisle.

Mr. BOREN. Mr. President, we will attempt to do the same thing and get a list, and then it would be my hope and my proposal that once we get these lists and can compare these lists, the number of amendments, the authors of those amendments, we would then seek a time agreement and try then, after we seek exactly the amount of time that will be required on each amendment, to get a time certain to move to final passage. And I hope we will be able to do that tomorrow and be in a position to propound some sort of request for time agreements on the outstanding amendments.

As I say, it is not our desire to cut off the opportunity for those on the other side of the aisle to offer amendments but to move with dispatch because we are in the 8th day and it is our hope, it has been our hope, that we could have a final vote on this bill by Thursday night or Friday morning at the latest. If we have to go into early next week in order to accommodate all of those who have amendments, why, certainly we would not want to cut people off from being able to offer those. But I hope we can work tomorrow toward trying to enter into a listing of all those amendments and seeking time agreements on those amendments so that we could set a time for final passage or a vote on final passage or disposition of the bill.

Mr. President, I ask my colleague if there are any other amendments which would be offered, as far as he knows, tonight on his side of the aisle?

Mr. MCCONNELL. I say to my friend from Oklahoma I am not aware of any about to be offered on this side of the aisle this evening. We could lay one down if that makes a difference.

Mr. BOREN. Mr. President, let me consult with the majority leader about the schedule.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the distinguished manager of the bill, the Senator from Oklahoma, has reported to me on the colloquy that has just occurred, and on the current status of the bill. I know he has discussed this with the distinguished Senator from Kentucky. It is my understanding that the Senator from Kentucky is not now prepared to fix a time for final passage on the bill at any time—is not prepared to agree to a vote on final passage of this bill at any time. Is that correct?

Mr. MCCONNELL. I would say to the distinguished majority leader that is correct at this time principally because, as I just indicated—I do not know whether the majority leader was on the floor—16 of the amendments offered to this point have been offered by Democratic Senators, only 9 by our Republican Members; 11 hours and 20 minutes of the debate to this point have been on that side of the aisle, only 8 hours and 10 minutes on this side of the aisle.

I have a number of Senators who simply have not yet had an opportunity to offer their amendments. They tell me they are prepared to do that. Every single amendment we have offered has been germane. We have neither tabled an amendment on that side of the aisle nor have we had a second degree on an amendment on that side of the aisle, and the only nongermane amendment offered to the bill to date has been offered on that side of the aisle.

So I say to the distinguished majority leader that we are prepared to proceed. We have a number of very significant and important amendments and we would appreciate the opportunity to have them voted upon.

Mr. MITCHELL. Mr. President, as the Senator from Oklahoma said, we are on the eighth day on this bill. There has been no prohibition on any

Senator from offering an amendment prior to now, and at least on the third and fourth days, there were plenty of opportunities for Senators to offer amendments. The Senators, for whatever reason, chose not to do so.

I am perfectly prepared to say that we could stay in and make certain that there would be more Republican amendments than Democratic amendments and more time used by Republicans than Democrats. But at that point, we would like to have a vote on the bill.

What I am concerned about is that—so we can all speak plainly and candidly to one another—that what is underway is a filibuster by amendment, that I am perfectly prepared to say any Senator can offer 5, 7, 12, or 17 amendments and could have 11, 20, 30, 40 hours of debate as long as we have some assurance that we could then have a vote on final passage. But what I am reluctant to permit to occur—and I am sure this is understandable from the Senator's standpoint—is that we should stay here on this bill for another week or 10 days or 2 weeks and that there would be 15, 20, 30 more amendments and then the Senator would tell us that we are not going to be able to have a vote anyway, that we have to go ahead and file cloture.

What I would like is some candid assessment from the Senator. If those Senators have amendments, that they have the opportunity to offer and they have the opportunity to debate them, will we then be able to get to a vote on the bill?

Mr. MCCONNELL. I say to my friend, I have not lost hope yet that this bill could become better, and there are a number of amendments that are going to be offered on this side which, if agreed to by the Senate, could entirely change the complexion of the underlying bill which, as my friend from Maine knows full well, since he and I and others have debated this bill ad nauseam for the last 5 years, in its current form there is substantial objection on this side of the aisle. But I have not given up hope that the light may be seen on the other side and that some very good amendments that are going to be offered could well be approved, in which case this bill could become acceptable to a wide array of the Senate and pass on a bipartisan basis.

Mr. MITCHELL. In another context, just as Potter Stewart said, "I cannot define it, but I can tell it when I see it." I think I can tell a filibuster by amendment when I see it.

Mr. MCCONNELL. Would the Senator yield?

Mr. MITCHELL. Yes.

Mr. MCCONNELL. The fact is, I say to my good friend, 19 amendments that have been offered to date have been offered by Democratic Senators, only 9 by Republican Senators; 11 hours and 20 minutes of the debate has been taken by Democrats, only 8 hours and 10 minutes by Republicans. If there is a filibuster going on, it is hard to ascertain who may be conducting it.

Mr. MITCHELL. The filibuster has been developed into a high and new art form in the Senate by our colleagues. I do not think the statistics cited mask the reality for any of us. I have just offered to stay here until we have more Republican than Democratic amendments and more time, and Senator BOREN has suggested Thursday, Friday, Monday, Tuesday, Wednesday, and we cannot get an agreement. So I think we all know what is going on here and what is seen.

I just say to the Senator, we cannot be in a situation where we cannot have a vote after 6 o'clock and just stay here forever.

Mr. MCCONNELL. I would be happy to offer an amendment now and have a vote tonight. It would be fine to me.

Mr. MITCHELL. That is a good idea if we could get a time agreement with the Senator right now. Why do we not do that?

Mr. MCCONNELL. I would be delighted to discuss it.

Mr. MITCHELL. Does the Senator want a 30-minute time agreement? Can we see what the amendment is?

Let me just conclude, Mr. President, this by saying that I think we all know what is going on here. We probably would reach different conclusions from the same set of facts but we have now been on this bill for 8 days. It is apparent that there is no prospect that this bill is going to be brought to a vote unless, of course, it is changed in a manner that would make it unacceptable to the majority of the Senate.

So I hope we can try tomorrow to work out with the Senator from Kentucky and the Senator from Oklahoma a list of amendments so we can see what the prospects are with respect to proceeding on this bill.

I have to make a judgment, as the Senator obviously knows. The Appropriations Committee reported out a supplemental appropriations bill today. We had a joint leadership meeting. It was bipartisan in support of Republicans and Democrats alike. At the meeting, they asked when am I going to bring that bill up. We have other things to do. We are going to have to file cloture on this bill. We have been on it 8 days. I would like to get ahead and go on with it. If there is a realistic chance that we can get a vote on the bill without going to cloture, I am prepared to do that. But I think I can tell pretty much and see what is happening.

Mr. President, I now suggest the absence of a quorum. Perhaps I could discuss it with the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MYSTERY PLAGUE TENTATIVELY IDENTIFIED

Mr. DOMENICI. Mr. President, I rise for just a few moments to share with my colleagues some reasonably good news. This mysterious plague, the illness that killed 11 people in the past month, has been tentatively identified. Seven of the deaths were in New Mexico; four were from the State of Arizona. I think everybody knows that four of those victims' bodies are now known to have produced an antibody to what is called a Hantavirus. I have come to the floor tonight, Mr. President, to make my colleagues aware of the excellent day-and-night effort by a number of key medical examiners, researchers, and doctors—first and foremost from the National Centers for Disease Control. I cannot tell the Senate how important they have been, how expert they have been, and how diligent. I think there may be as many as 50 CDC experts in New Mexico now, and they are getting closer and closer to trying the clues together. They started with three experts, then went to eight, all of the time devoting as many resources as they needed. They included as much laboratory facility time as they needed to explore this mysterious disease.

In addition, the State of New Mexico through its health department has done an admirable job. The Navajo Nation has some very significant experts. The Indian Health Service and Public Health have all been involved, and there has never been a better coordinated effort. In addition, the School of Medicine at the University of New Mexico participated.

This coordinated effort has had to fight a very uphill battle in terms of what the public was hearing, and the fear that was striking thousands of Indian families, and non-Indian families in the Four Corners area.

Now we have some confirmation and related advice which will be forthcoming for avoiding this illness. I want to commend one of the finest teams of medical talent as I have just described them for getting us to this point.

Beginning right on the Navajo Nation, the traditional elders and medicine men suspected an unusual presence of the pinon nut—some people call it a pine nut—beyond the normal season. They told the researchers that the unusual weather that we have had led to this phenomenon. The phenomenon is that instead of the tree producing the pinon nut once a year, it has been producing them year around. That is a phenomenon of only three times this century, and they suspect that the pinon nut had something to do with it.

Well, it turns out that the rodent, or rat, has something to do with it. The more pine nuts there are, the more rodents and rats, and that kind of predator can flourish. They presented a tie-in that has been followed up by the researchers in basic science and medicine, and it looks like the presence of this nut feeds more rodents, and the rodents are now suspected of carrying this Hantavirus.

The pinon nut is commonly gathered on the ground and from rodent hovels on Indian land.

There has not been any direct ties to how they are gathered, and I would not be surprised that there is some tie-in as to where and how the pinon nut is gathered.

At this point, we can say that over 100 scientists have applied the Nation's best analytical technology and skill to confirm four known links to the Hantavirus. The State of New Mexico can be very proud of its excellent contributions to this effort, led by the Centers for Disease Control.

Michael Burkhart, the State's health department director, has done a superb job of giving this disease the attention it deserves. The health department chief medical officer, Dr. Norton Kalishman, has certainly worked hard to help coordinate one of the largest emergency research efforts in New Mexico history.

Without knowing the precise roles of many individuals in tracking and analyzing this disease or plague, I want to call special attention to the key roles of the State of New Mexico Office of Epidemiology, the Public Health Division, and the Scientific Laboratory Division.

State epidemiologist, Dr. C. Mack Sewell, has assigned several knowledgeable and hard working New Mexicans: Dr. Ron Voorhees, his deputy director, Dr. Maggie Gallaher, Dr. Barley Britt, and Martha Tanuz, R.N.

The Scientific Laboratory Division of the State Health Department in Albuquerque has been designated a reference laboratory for research under the direction of the Centers for Disease Control in Atlanta. Dr. Lauris Hughes is the Director. Dr. Edith Umland, Gary Oty—virology supervisor—and Linda Nims—microbiology supervisor—are contributing greatly to this emergency effort.

Other key New Mexico participants are Dr. Gary Simpson, Director of the Public Health Division. Sue Ripley and Janet Voorhees and others have given extra time and effort to this vast and complicated medical research effort.

On the Federal level, the Indian Health Service [IHS] and the Centers for Disease Control have played the lead roles. James Cheek, M.D., MPH of the IHS Albuquerque office and Dr. Joseph McDade of the Centers for Disease Control have made valuable contributions. Doctor Cheek and Doctor McDade have added great depth to the cultural and scientific dimensions of this search for the causes of the mystery disease. There are numerous IHS doctors and nurses involved and more than a dozen specialists from CDC now working in New Mexico.

Secretary Shalala of the U.S. Department of Health and Human Services committed her resources early to this emergency, and Assistant Secretary for Health, Doctor Manley, has certainly translated this commitment into action.

For my colleagues who have not been able to closely follow the details of the discovery and unfolding of this disease, I would like to add a few background details.

On May 9, 1993, Florena Woody died of "an unexplained acute respiratory disease syndrome." She was 19 years old. On May 14, 1993, the father of her 5-month-old baby boy died of the same mysterious illness. She was 19. He was 21. They were both runners. Their lungs were filled with fluids that would not let oxygen into their blood.

Eleven people have died of this disease and 18 are believed to have confirmed cases in New Mexico and Arizona. Seven deaths were in New Mexico; four in Arizona.

Press coverage has been enormous. The national television networks, newspapers, and radio stations have carried daily reports. There has been a lot of speculation about the causes of this illness that appears to strike mostly young healthy people and end their lives in a few days.

Shortly after press stories erupted about this mysterious disease, I was in New Mexico for the Memorial Day recess. After making a few inquiries into the seriousness of the problem and progress being made to diagnose the illness, I became very concerned about the escalating fears for personal safety to residents and visitors.

I learned from my medical contacts in New Mexico and in Atlanta, GA, that the disease did not appear to be easily transmitted from one person to another. To help emphasize this fact, I decided to personally visit Window Rock, AZ, the Navajo Nation capital. There I joined my good friend Peterson Zah, president of the Navajo Nation, in his efforts to keep everyone informed about the dangers and medical evaluations in progress.

President Zah deserves a very special thanks. His extra efforts on behalf of the Navajo Nation are remarkable. He dropped a very busy schedule to keep his people informed. He delivered daily messages to minimize the panic and the fear that began to spread when news of the deaths began to reach them and no news of the causes was yet available. President Zah's Director of Health, Lydia Hubbard Pourier, has also done an excellent job of cooperating with many experts in several medical specialties. She has clearly done a great service to her people in bringing traditional and scientific practices together.

I believe the panic has stopped. The excellent and well coordinated research is adding almost daily to our understanding of the root of this sudden outbreak of respiratory failure. Much remains to be done. There are field tests to be conducted on rodents; further analyses to be done on victims; a search for the virus itself which has not yet been found; public health recommendations to be made; and, of course, treatments to be developed or made available for new cases that may appear.

In summary, Mr. President, we are at the early stages of identifying the causes of the mystery disease. The coordinated effort to help the victims and to prevent more cases is most impressive. Even though the Navajo tribe has a tradition of avoiding talk about the dead, they have cooperated to help our Nation's best scientists review every piece of available evidence.

I remain optimistic, Mr. President. I am most encouraged by the extra level of effort on behalf of the victims of this respiratory disease, and I offer my gratitude to the many doctors, nurses, researchers, and others who have given so much of themselves to identify and stop the effects of a disease that has the clear potential to kill new victims.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Following discussion of the matter with the managers of the bill, it is my understanding that the distinguished Senator from Kentucky is going to lay down another amendment this evening; that it will be debated just briefly this evening, and then we will resume on that in the morning; and that between now and then, the Senator from Kentucky will discuss the matter further with his colleagues, as will the Senator from Oklahoma and I with our colleagues on our side, and then we will resume the discussion tomorrow to see what the likelihood of proceeding is, or what the best course of action will be to proceed with the bill thereafter.

It is my view that if we have a realistic chance of getting to a vote on the bill, we ought to stay in session and give the Senate a chance to offer these amendments, as the Senator from Kentucky has rightly suggested.

So that Senators should be prepared for votes and long sessions on tomorrow and Thursday, should that prove necessary and appropriate given the circumstances which exist at that time. We will make a judgment tomorrow, based upon the consultations that

will occur between now and then and the further discussion that we will have at that time.

In view of that, and after having discussed it with the managers, there will be no further rollcall votes this evening. We will resume on tomorrow morning at a time that will be set shortly, and the amendment of the Senator from Kentucky, which he will lay down and describe this evening, will be the subject matter when we resume consideration tomorrow.

I thank my colleagues for their cooperation.

AMENDMENT NO. 397

(Purpose: To require disclosure of communications paid with taxpayer funds)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 397.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 8, strike **"NONELIGIBLE"**.

On page 49, line 9, insert "(a) NONELIGIBLE CANDIDATES.—" before "Section".

On page 49, between lines 18 and 19, insert the following:

(b) ELIGIBLE CANDIDATES.—Section 318 of FECA (2 U.S.C. 441d), as amended by subsection (a), is amended by adding at the end the following:

"(g) If a broadcast is paid for by a voter communication voucher provided under section 503(c), the broadcast shall contain the following sentence: 'The preceding political advertisement was paid for with taxpayer funds.'."

Mr. MCCONNELL. Mr. President, I have laid down an amendment which, as the majority leader indicated, we will be considering when we go into session in the morning. I am going to withhold discussion of that amendment tonight, since there is probably nobody available, other than my good friend from Oklahoma, to listen. I will simply explain the amendment to our colleagues tomorrow at the point at which we return to consideration of the bill.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BOREN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

REPORT OF THE FEDERAL COUNCIL ON THE AGING FOR CALENDAR YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1992 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1993.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–85. A resolution adopted by the Senate of the State of Louisiana; to the Committee on Finance.

"SENATE RESOLUTION NO. 32

"Whereas, the aluminum industry is a vital and strategic industry to the economy of Louisiana and the United States; and

"Whereas, one-third of domestic aluminum smelters have closed since 1978, leaving only twenty-two remaining in operation; and

"Whereas, there are only four alumina plants remaining in the United States, two of which are operating in Louisiana; and

"Whereas, the continued operation of these alumina plants depends on the viability of the aluminum industry; and

"Whereas, in Louisiana, the aluminum industry employs over one thousand people directly, indirectly supports the jobs of several thousand others, and generates over a hundred million dollars in wages, benefits, taxes, and locally purchased materials; and

"Whereas, the United States aluminum industry is struggling to survive in a volatile marketplace where foreign producer costs are well below those of domestic competitors including lower power, labor, and environmental costs; and

"Whereas, unlike other energy intensive industries, aluminum manufacturing cannot pass higher production costs on to consumers since the price of this commodity is fixed by the world market; and

"Whereas, the production of primary aluminum requires large amounts of electric energy as an essential ingredient or feedstock; and

"Whereas, the proposed British thermal unit (BTU) tax would increase the cost of smelting aluminum by six percent; and

"Whereas, the proposed federal BTU tax makes no distinction between electricity used as an ingredient in the production of aluminum and electricity used to power plants and equipment; and

"Whereas, the same energy tax proposal allows exemptions for other energy sources used in a non-fuel manner, such as coal used to make coke for steelmaking and oil used to make plastics and petrochemicals; and

"Whereas, the fuels used to make feedstock electricity for aluminum production should not be artificially distinguished from other non-fuel uses nor should an unfair tax burden be placed on aluminum producers resulting in a competitive disadvantage relative to domestic plastic and steel producers; and

"Whereas, the proposed energy tax also places American aluminum producers at a competitive disadvantage with foreign producers, threatening employment, tax revenues, and the economic survival of communities in Louisiana and across the United States: Therefore, be it

"*Resolved*, That the Senate of the Legislature of Louisiana, in support of the fair and equal treatment of all industry under the law, memorializes the Congress of the United States to amend the proposed federal energy tax and grant an exemption for non-fuel use of electricity used in the production of primary aluminum: Be it further

"*Resolved*, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM–86. A House Joint Resolution adopted by the Virginia General Assembly; to the Committee on Commerce, Science, and Transportation.

"HOUSE JOINT RESOLUTION NO. 1005

"Whereas, on March 28, 1993, Colonial Pipeline Company's pipeline experienced a break which resulted in a spill of 330,000 gallons of diesel fuel into Sugarland Run, a tributary of the Potomac River; and

"Whereas, the spill resulted in extensive damage to a valuable natural resource and near total destruction of the aquatic life in a 10-mile stretch of Sugarland Run; and

"Whereas, an oil sheen was evident on several miles of the Potomac River, and a Fairfax County drinking water intake on the Potomac was closed for over a week; and

"Whereas, the Colonial Pipeline has experienced nine spills since 1977 including major spills of 212,000 gallons of kerosene in a tributary of the Rappahannock River in Orange County in 1989, 85,000 gallons of fuel oil in Chesterfield County, 65,000 gallons of marine diesel fuel in Chesapeake and a 336,000 gallon spill into Bull Run that threatened the Occoquan water supply in 1980; and

"Whereas, the authority for pipeline safety resides with the federal government's Department of Transportation, Office of Pipeline Safety; and

"Whereas, the federal Hazardous Liquid Pipeline Safety Act of 1979, the regulations promulgated under it, and the enforcement of those regulations are grossly inadequate; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia memorialize the Congress of the United States and the Clinton Administration to aggressively pursue a strengthening of the Pipeline Safety Act and the enforcement and inspection provisions of the Act; and be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM–87. A resolution passed by the Chattanooga Chapter of the Retired Officers Association relative to military budgeting; to the Committee on Armed Services.

POM–88. A resolution passed by the County Council of Kauai relative to the Earthquake, Volcanic Eruption, and Hurricane Hazards Insurance Act of 1993; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1993" (Rept. No. 103–52).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, without amendment:

S. 1079. An original bill to authorize major medical facility projects and leases for the Department of Veterans' Affairs, to revise and extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases, to authorize the disposal of Pershing Hall, France, and for other purposes (Rept. No. 103–53).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2118. A bill making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. No. 103–54).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1079. An original bill to authorize medical facility projects and leases for the Department of Veterans' Affairs, to revise and extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases, to authorize the disposal of Pershing Hall, France, and for other purposes; from the Committee on Veterans Affairs; placed on the calendar.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1080. A bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOND, Mr. BURNS, Mr. GRASSLEY, and Mr. STEVENS):

S. 1081. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 1082. A bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 1083. A bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans' Affairs are not included in gross income; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. HATFIELD, and Mr. PACKWOOD):

S. 1084. A bill to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. BIDEN, Mr. BRADLEY, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. MITCHELL, Mr. PELL, Mr. SPECTER, Mr. WELLSTONE, Mr. WOFFORD, and Mr. BRYAN):

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E Day"; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 100. A joint resolution to affirm the national policy of metric conversion benefiting the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1080. A bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamido, and ioxaglic acid; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. LAUTENBERG. Mr. President, I rise to introduce legislation on behalf of myself and Senator BRADLEY to suspend the duties on ioxilan, iohexol, iopamidol, and ioxaglic acid. Senator BRADLEY and I introduced similar legislation in 1992. A companion bill has already been introduced in the House of Representatives by Mr. JACOBS.

Ioxilan, iohexol, iopamidol, and ioxaglic acid are used in the manufacture of state-of-the-art nonionic diagnostic imaging agents—dyes injected into a patient to help cardiologists and radiologists better visualize certain organs and tissues. Bristol-Myers Squibb has reported that these drugs lessen the chances of severe and potentially life-threatening reactions by 70 to 80 percent.

Ioxilan, iohexol, iopamidol, and ioxaglic acid are used especially for the most fragile patients, including those with heart disease and the elderly. Nonionic contrast media, such as iopamidol, are also used in CAT scans to detect cancer and abnormalities of the anatomy, and in cardiac catheterization to diagnose life-threatening blockages of arteries and to provide vital information to heart surgeons.

This bill would suspend for 3 years the duty on these chemical compounds. According to the International Trade Commission, these chemicals are not manufactured in the United States and must be imported from Italy, France, and Norway. These imports are critical to the U.S. manufacture of health care products. By suspending these tariffs, we can assist in promoting the competitiveness of U.S. manufacturers and protecting the jobs of American workers who turn these imported materials into finished products. In New Jersey, 800 workers at Bristol-Myers Squibb are engaged in the production of iopamidol.

For these reasons, I urge my colleagues to act swiftly to pass this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IOXILAN.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	N-(2,3- Dihydroxy - propyl)-5 - (N-(2,3- di- hydroxy-propyl) acetamido]- N'- (2-hydroxyethyl)- 2,4,6- triiodoiso- phthalamude, known as ioxilan (CAS No. 107793–72–6) (provided for in subheading 2924.29.44).	Free	No change	No change	On or before 12/31/95".

SEC. 2. EXTENSION OF EXISTING SUSPENSIONS OF DUTY ON IOHEXOL, IOPAMIDOL, AND IOXAGLIC ACID.

Headings 9902.30.64, 9902.30.65, and 9902.30.66 of the Harmonized Tariff Schedule of the United States are each amended by striking "9/30/91" and inserting "12/31/95".

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by sections 1 and 2 shall take effect on the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law to the contrary, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption of goods to which any amendment made by section 1 or section 2 applies and that was made—

(1) after September 30, 1991; and

(2) before the 15th day after the date of the enactment of this Act;

and with respect to which there would have been no duty or a lower duty if any amendment made by section 1 or section 2 had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on such 15th day.●

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOND, Mr. BURNS, Mr. GRASSLEY, and Mr. STEVENS):

S. 1081. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL SCIENCE EDUCATION LEGISLATION

Mr. DOLE. Mr. President, today I am pleased to introduce the environmental science education bill.

The purpose of this legislation is to prepare men and women for the task of cleaning up out Nation's environmental problems. it is not a cure-all to the problem, but it is a positive step forward. This bill, which requires no new funding, but simply redirects funds which have already been appropriated, will capitalize on the prior training of men and women within the Departments of Defense and energy that have had hands-on experience dealing with the environmental problems facing us today.

The benefits of this bill are twofold. We will be providing technical training for the men and women who have been adversely affected by current military downsizing, while also establishing a program that will expand the pool of qualified professionals to expedite the environmental cleanup of our country.

Lack of adequately trained people in the environmental sciences is one of the major obstacles in the clean-up process. Last year, a Department of Energy review determined that there is a shortfall of over 13,000 scientists, engineers, and technicians in the environmental disciplines. The lack of individuals with technical expertise in the environmental disciplines hinders the clean-up process and the construction of new environmentally safe facilities.

Establishing programs in universities throughout the Nation in the environmental sciences will ensure that a highly trained cadre of environmental professionals will be on the job in the shortest time possible. The environmental science education programs would be established in the current EPA university hazardous substance research centers. These 22 research centers are located nationwide, spanning 14 States and the District of Columbia. The establishment of an environmental science program will benefit the Nation, universities, and students.

Mr. President, environmental safety and education are national priorities. We can continue to simply talk about them, we can spend more money litigating them, or we can act now. In my view, the environmental science education bill is a positive step toward solving some of the problems facing our country today. By providing men and women with the valuable training they need, many of our countries hazardous waste clean up challenges can be met. Passage of this legislation is essential to ensure we had over a safe and environmentally healthy Nation to future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term shall include the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) The term "qualified individuals" means qualified military personnel and qualified Department of Energy personnel.

(6) The term "qualified Department of Energy personnel" means individuals who, during the 5-year period preceding the date of the enactment of this Act, have been employed by the Department of Energy and have been involved in the production of nuclear weapons, and whose employment at the Department of Energy during such 5-year period was scheduled for termination as a result of a significant reduction or modification in the programs or projects of the Department of Energy. Such term shall not include any employee who terminates employment by taking early retirement or who otherwise voluntarily terminates employment.

(7) The term "qualified military personnel" means members and former members of the Armed Forces of the United States who have training in site remediation, site characterization, waste management, waste reduction, recycling, engineering, or positions related to environmental engineering or basic sciences (including training for management positions). Such term shall not include any former member of the Armed Forces whose service in the Armed Forces was terminated by dismissal (in the case of a former officer) or by discharge with a dishonorable discharge or a bad conduct discharge (in the case of a former enlisted member).

(8) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

SEC. 2. EDUCATION AND TRAINING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator, in consultation with the Secretaries of Energy and Defense, shall establish an education and training program for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) DEVELOPMENT OF ACADEMIC PROGRAM.—In carrying out the program, the Administrator, in consultation with the Secretaries of Energy and Defense, shall develop and implement an academic program for qualified individuals at institutions of higher education at both undergraduate and graduate levels, and which may lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(2) PROGRAM ACTIVITIES.—

(A) IN GENERAL.—The program established pursuant to paragraph (1) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management (including such specialized activities and training relating specifically to radioactive waste as the Administrator determines to be appropriate);

(iv) hazardous waste reduction (including such specialized activities and training relating specifically to radioactive waste as the Administrator determines to be appropriate);

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(B) EDUCATIONAL ACTIVITIES.—The program established pursuant to paragraph (1) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.
(ii) Chemistry.
(iii) Chemical engineering.
(iv) Environmental engineering.
(v) Statistics.
(vi) Toxicology.
(vii) Industrial hygiene.
(viii) Health physics.
(ix) Environmental project management.
(x) Any other field that the Administrator determines to be appropriate.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—From the amounts made available under subsection (c), the Administrator shall award grants to the hazardous substance research centers to pay the Federal share of carrying out the development and implementation of the academic program described in subsection (a).

(2) GRANT AWARDS.—The Federal share of each grant awarded under this subsection shall be 100 percent.

(c) FUNDING.—

(1) ENVIRONMENTAL PROTECTION AGENCY.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 50 percent of the cost of carrying out this section shall be funded from amounts made available for fiscal year 1993 to the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts made available for fiscal year 1993 to the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) may be used to carry out this section.

(C) SPECIAL RULE.—Amounts provided under this paragraph to hazardous substance research centers shall be used to supplement and not supplant other funds provided to such centers by the Environmental Protection Agency.

(2) DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 25 percent of the cost of carrying out this section shall be funded from amounts appropriated for fiscal year 1993 to the Defense Environmental Restoration Account established in section 2703 of title 10, United States Code.

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts appropriated for fiscal year 1993 to the Defense Environmental Restoration Account may be used to carry out this section.

(C) TRANSFER.—The Secretary of Defense shall transfer an amount determined in accordance with subparagraphs (A) and (B) to the Environmental Protection Agency, pursuant to the authority granted the Secretary under section 2703 of title 10, United States Code.

(3) DEPARTMENT OF ENERGY.—

(A) IN GENERAL.—Subject to the limitation described in subparagraph (B), 25 percent of the cost of carrying out this section shall be funded from amounts made available for fiscal year 1993 to the Department of Energy for the purpose of environmental cleanup.

(B) LIMITATION.—The limitation described in this subparagraph is that not more than 1 percent of the amounts made available for fiscal year 1993 to the Department of Energy may be used to carry out this section.

(C) TRANSFER.—The Secretary of Energy shall transfer an amount determined in accordance with subparagraphs (A) and (B) to the Environmental Protection Agency.

(D) SPECIAL RULE.—Amounts provided under this paragraph to hazardous substance research centers shall be used to supplement and not supplant other funds provided to such centers by the Department of Energy.

Mrs. KASSEBAUM. Mr. President, I am pleased today to join Senator DOLE in reintroducing legislation that promotes environmental training and defense conversion in the United States.

As a nation, we have become increasingly aware of the damage to our natural environment caused by our industrial society and lifestyle. We are slowly relearning what our ancestors instinctively knew—that humans are a part of the natural ecosystem, not separate from it. What we do to the environment we do to ourselves.

At the same time, we know that as our military becomes smaller, we face the challenge of providing jobs that will use the skills acquired by personnel formerly in the armed services. We have much to do to ease their transition to civilian life. This legislation addresses both of those needs by training qualified former military and related personnel for new jobs handling hazardous waste cleanup.

Regardless of the policy choices Congress will make in continuing our national effort to clean up hazardous waste sites, one thing is clear—we will need more skilled people to get the job done. The original Superfund legislation established a series of hazardous substance research centers to collect and analyze data about hazardous materials cleanup. This bill seeks to complement that research work by establishing special training programs in connection with the research centers. It provides an opportunity for many former military personnel who have appropriate technical skills to further develop those skills for application to environmental protection efforts. I believe it is an important step to take, and I encourage my colleagues to support it.

By Mr. COCHRAN:

S. 1082. A bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes; to the Committee on Labor and Human Resources.

STATE OFFICES OF RURAL HEALTH AMENDMENTS OF 1993

Mr. COCHRAN. Mr. President, today I am introducing a bill to reauthorize the State Office of Rural Health Program.

While the American health care system is the most technologically advanced in the world, access to basic services in small towns and rural communities is threatened by hospital closures, shortages of health professionals, and increasing costs.

In response to growing health care shortages in rural America, Congress authorized the State Offices of Rural Health Grants Program in 1990. This initiative provides matching grants for States to establish and maintain offices of rural health. When the national initiative began, there were only nine State offices. Today there are 42.

I believe that it is important for each State to continue building its own infrastructure to facilitate coordinated approaches to rural health care problems. It is important to note that these offices are not hampered with Federal regulations, but rather are given maximum flexibility to meet the needs of each individual State. States decide how to organize these offices, whether within another agency or through an educational institution or a private contracting organization. However organized, the aim of these State offices of rural health is the integration of State, Federal, and private sector activities and the development of innovative solutions for improving access to quality care in rural communities.

Some additional activities of these offices include: First, examining rural health care delivery and recommending improvements in quality and cost effectiveness; second, assisting in recruitment and retention of health professionals; third, providing technical assistance to attract more Federal, State, and foundation funding for rural health; and fourth, coordinating rural health interests and activities across the State.

My bill will make two changes to the existing program. First, the Federal match will be $1 for each dollar contributed by the States which receive grants. The State's portion must be a cash contribution, rather than in-kind contributions. This will alleviate the confusion that has existed over what constitutes an appropriate State contribution. Second, the authorization level will increase to $7.5 million per year for fiscal years 1994 through 1996.

I encourage Senators to join me in working for the reauthorization of this important program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Offices of Rural Health Amendments of 1993".

SEC. 2. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

(a) MATCHING FUNDS.—Section 338J(b) of the Public Health Service Act (42 U.S.C. 254r(b)) is amended to read as follows:

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338J(j)(1) of the Public Health Service Act (42 U.S.C. 254r(j)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following; ", and $7,500,000 for each of the fiscal years 1994 through 1996".

(c) TERMINATION OF PROGRAM.—Section 338J(k) of the Public Health Service Act (42 U.S.C. 254r(k)) is amended by striking "$10,000,000" and inserting "$32,500,000".

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, and Mr. JEFFORDS):

S. 1083. A bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income; to the Committee on Finance.

VETERANS' TAX FAIRNESS ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am introducing today the proposed Veterans' Tax Fairness Act of 1992. I am enormously pleased that several of my colleagues on the committee have joined me as original cosponsors of this important measure—including Senators DENNIS DECONCINI, BOB GRAHAM, DANIEL AKAKA, TOM DASCHLE, BEN NIGHTHORSE CAMPBELL, and JAMES JEFFORDS. This bill would clarify and reiterate the longstanding rule that veterans benefits are not taxable—a rule that, until action taken last year by the Bush administration, had never been questioned.

On February 27, 1992, the Internal Revenue Service, in a letter to the general counsel of the Department of Veterans Affairs, reinterpreted a 1986 law and reached a conclusion that could jeopardize the historical tax-exempt status of many veterans benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensation for survivors, veterans and survivors pensions, education benefits under the Montgomery GI bill, and veterans medical care.

The IRS ruling addressed a narrow issue of whether veterans must pay taxes when VA forgives a debt the veteran owes to the Federal Government after VA pays a guaranty on the veteran's home loan. Congress liberalized the criteria for VA debt waivers in 1989. In the February 1992 opinion, IRS interpreted a 1986 Tax Code provision as requiring taxation of any debt waiver granted under the 1989 law that would not have been granted under the old law. IRS concluded that any modification or adjustment of a veterans benefit would make the benefit taxable.

Mr. President, our committee strongly disagreed with the IRS interpretation, for reasons stated in a May 13, 1992, letter from then-Chairman Alan Cranston to then-Secretary of the Treasury Nicholas F. Brady. I ask unanimous consent that this letter appear in the RECORD at the conclusion of my remarks.

Mr. President, although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans benefits that have been modified or adjusted after September 9, 1986.

Since 1986, for example, Congress has expanded and increased education benefits paid under the GI bill and rehabilitation benefits provided to disabled veterans, adjusted the categories of eligibility for VA medical care, made several adjustments in the rates of survivors dependency and indemnity compensation, expanded various healthcare services, and increased other benefits, such as housing and automobile grants for certain veterans with very severe service-connected disabilities. The IRS interpretation would exempt adjustments based on an inflation index, but fails to protect the many VA benefits that are adjusted without reference to an index. Under the February 27, 1992 IRS opinion, any of these modifications or adjustments might have made the benefits involved taxable.

Section 5301 of title 38, United States Code, explicitly exempts veterans benefits and services from taxation. The provisions of the Tax Code interpreted by IRS concerns "military benefits," and it seems clear to me that Congress did not intend to make veterans benefits taxable for the first time in our Nation's history through enactment of a Tax Code provision addressing military benefits. Veterans benefits, provided to veterans and their survivors under laws administered by VA, always have been distinct from military pay and benefits provided to active-duty or retired servicemembers under laws administered by the Department of Defense.

In fact, Mr. President, another Tax Code provision, section 136, explicitly references the title 38 provision exempting veterans benefits from taxation. I am not aware of any previous suggestion that the Tax Code section that IRS has interpreted was intended to make veterans benefits taxable. If Congress had wanted to make such a radical change in the tax-exempt status of veterans benefits, it certainly would have done so much more explicitly than through an ambiguously worded provision that does not even mention veterans or the Department of Veterans Affairs.

Mr. President, it is clear that, before February 1992, no previous administration had interpreted this Tax Code provision to require taxation of veterans benefits. During the almost 7 years since the provision took effect, IRS has not collected or attempted to collect any taxes based on the receipt of VA-administered benefits—even in connection with VA debt waivers, which the IRS opinion had concluded could be subject to taxation in certain circumstances.

In fact, every official IRS publication of which I am aware that mentions veterans benefits, including "Publication 17—Your Income Taxes" and a 1988 IRS private letter ruling, explicitly states that veterans benefits are not taxable. Many IRS publications even list all available veterans benefits to indicate that each is nontaxable.

On May 8, 1992, 5 days before writing to Treasury Secretary Brady, Senator Cranston had written a similar letter to then-Secretary of Veterans Affairs Edward J. Derwinski. I ask unanimous consent that this letter be inserted in the RECORD at the conclusion of my remarks.

Mr. President, the last communications we received from the Bush administration on this matter indicated that Treasury was rescinding the IRS opinion and confirming that certain veterans benefits are not taxable. The Bush administration's Treasury Secretary Fred T. Goldberg, Jr., who had been IRS Commissioner during formulation of the February 1992 IRS opinion, promised in a July 1992 letter to Senator Cranston that "[w]e will keep you informed of our progress and expect to complete that review within the next several weeks." That was the last we heard from the Bush Treasury Department.

Secretary of Veterans Affairs Derwinski wrote to Senator Cranston on July 29, 1992, reiterating the information in Mr. Goldberg's letter and stating that legislation drafted by Senator Cranston to clarify the tax-exempt status of veterans benefits would be "premature * * * until all issues are resolved administratively" by Treasury.

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD at the conclusion of my remarks.

Mr. President, several veterans' organizations wrote to Secretary Brady and President Bush's Chief of Staff, Samuel Skinner, protesting the broad implica-

tions of the IRS opinion. I ask unanimous consent that copies of these letters be inserted in the RECORD at the conclusion of my remarks.

Mr. President, Senator Cranston and our committee found a very receptive ally last year in then-Senator Lloyd Bentsen, who chaired the Finance Committee. Senator Bentsen successfully inserted a version of our clarifying legislation into last year's tax bill, H.R. 11. Unfortunately, President Bush vetoed H.R. 11.

Today, though, we have entered a new era. Veterans now have a friend in the White House, Bill Clinton, and a friend in the Treasury Department, Lloyd Bentsen.

Mr. President, I am proud to say that President Clinton already has taken action on his campaign promise to put this issue to rest. On May 17, 1993, Secretary Bentsen, on behalf of the new administration, transmitted to Congress proposed legislation almost identical to the H.R. 11 provision that George Bush vetoed. Mr. President, I ask unanimous consent that this transmittal letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, I congratulate President Clinton and Secretary Bentsen on their quick action and I thank the many veterans organizations that have worked with us to correct the prior administration's ill-conceived action.

The legislation I am introducing today is derived from Senator Cranston's original draft bill and is identical to the legislation recommended by President Clinton and Secretary Bentsen.

I believe it is extremely important to reiterate and clarify by statute the tax-exempt status of all veterans benefits and services, in order to preclude any future tinkering like that of the Bush administration.

Mr. President, it is obvious that, since IRS previously has not collected or attempted to collect taxes on veterans benefits, this legislation will not affect Federal revenues.

Mr. President, in closing, I want to acknowledge and thank the distinguished new chairman of the Finance Committee, Senator MOYNIHAN, for the technical assistance he and the fine Finance Committee staff have provided in connection with this measure. I urge my colleagues to support this bill and pledge to do all I can to see it enacted quickly.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and material mentioned earlier was ordered to be printed in the RECORD, as follows:

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Tax Fairness Act of 1993".

SEC. 2. CLARIFICATION OF TREATMENT OF VETERANS' BENEFITS.

(a) IN GENERAL.—Paragraph (1) of section 134(b) of the Internal Revenue Code of 1986 (relating to qualified military benefit) is amended by adding at the end thereof the following flush sentence:

"For purposes of this paragraph, the term 'qualified military benefit' includes any veterans' allowance or benefit administered by the Secretary of Veterans Affairs.".

(b) LIMITATION ON MODIFICATIONS.—Paragraph (3) of such section is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following:

"(C) EXCEPTION FOR VETERANS BENEFITS.—Subparagraph (A) shall not apply to any veterans' allowance or benefit administered by the Secretary of Veterans Affairs.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 13, 1992.

Hon. NICHOLAS F. BRADY,
The Secretary of the Treasury, Washington, DC.

DEAR NICK: As the Chairman and Ranking Republican Member of the Committee on Veterans' Affairs, we are writing to request that you personally review and overturn a February 27, 1992, opinion letter (copy enclosed) from an associate chief counsel of the Internal Revenue Service to the general counsel of the Department of Veterans Affairs concerning the taxability of certain waivers of indebtedness by VA. We believe the conclusions of the opinion, if adopted by IRS, could jeopardize the historical tax-exempt status of many veterans' benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensa- tion for survivors, veterans' and survivors' pensions, education benefits under the Montgomery GI Bill, and veterans' medical care.

The IRS opinion concludes first that VA debt waivers constitute a veterans' benefit. Second, it concludes that veterans' benefits generally are taxable to the extent that a benefit is modified or adjusted, either by statute or administrative action, after September 9, 1986. Finally, it concludes that statutory changes in VA's waiver authority in 1989 make taxable any waiver granted under the 1989 statute that would not have been granted under the pre-1989 law. Although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans' benefits modified or adjusted after September 9, 1986.

Since 1986, for example, Congress has increased education benefits paid under the Montgomery GI Bill, adjusted the categories of eligibility for VA medical care, and made several adjustments in the rates of survivors' dependency and indemnity compensation (not through indexing, which might be allowed under the IRS opinion's interpretation of section 134). Under the February 27 IRS opinion, any of these modifications or adjustments might make the benefit taxable.

Congress did not intend to make veterans' benefits taxable for the first time in our nation's history through enactment of Internal Revenue Code section 134, which addresses "military benefits." Veterans' benefits, provided to veterans and their survivors under laws administered by VA, always have been distinct from military pay and benefits provided to active-duty or retired servicemembers under laws administered by the Department of Defense. In fact, I.R.C. section 136 explicitly references the provision in title 38, United States Code, making veterans' benefits exempt from taxation. Even as Chairman and Ranking Republican Member of this Committee, we have been unaware of any previous suggestion that section 134 was intended to make veterans' benefits taxable. If Congress had wanted to make such a radical change in the tax-exempt status of veterans' benefits, it would have done so much more explicitly than through an ambiguously worded provision that does not even mention veterans or the Department of Veterans Affairs. The IRS opinion almost exclusively relied on two phrases in the statement of managers accompanying the conference report on the 1986 legislation. For the reasons stated in the VA general counsel's reply to IRS (copy enclosed), we do not believe that those phrases—which clearly are at least technically incorrect—lead to the conclusion drawn by the IRS associate chief counsel.

It also is clear that, until now, the Administration has not interpreted section 134 to require taxation of veterans' benefits. During the more than five years since section 134 took effect, IRS has not collected or attempted to collect any taxes based on the receipt of VA-administered benefits, even in connection with VA debt waivers, which the IRS opinion concluded can be subject to taxation in certain circumstances. In fact, every official IRS publication of which we are aware that mentions veterans' benefits, including "Your Income Taxes" (Pub. 17) and a 1988 IRS private letter ruling, explicitly states that veterans' benefits are not taxable. Many IRS publications even list all available veterans' benefits to indicate that each is non-taxable.

Veterans already have started to express to us their understandable concern about the IRS opinion and its potential effects. Considering the urgent need to clarify the tax-exempt status of veterans' benefits and services, we would appreciate receiving your response no later than May 29, 1992. Thank you for your prompt attention to this important matter.

Sincerely,

ALAN CRANSTON,
Chairman,
Senate Committee on Veterans' Affairs.
ARLEN SPECTER,
Ranking Republican Member,
Senate Committee on Veterans' Affairs.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 8, 1992.

Hon. EDWARD J. DERWINSKI,
The Secretary of Veterans Affairs, Washington, DC.

DEAR ED: We are writing to request your comments on the enclosed draft legislation, which reflects a position we strongly support, to clarify and reconfirm the tax-exempt status of veterans' benefits. This legislation is a reaction to the broad implications of a February 27, 1992, opinion letter from an Associate Chief Counsel of the Internal Revenue Service, Stuart L. Brown, to VA General Counsel James A. Endicott, Jr., concerning the taxability of certain waivers of indebtedness by VA. We believe the conclusions of the opinion, if adopted by IRS, could jeopardize the historical tax-exempt status of many veterans' benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensa-

tion for survivors, veterans' and survivors' pensions, education benefits under the Montgomery GI Bill, and veterans' medical care.

Although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans' benefits modified or adjusted after September 9, 1986. Since 1986, for example, Congress has increased education benefits paid under the Montgomery GI Bill, adjusted the categories of eligibility for VA medical care, and made several adjustments in the rates of survivors' dependency and indemnity compensation (not through indexing, which might be allowed under the IRS opinion's interpretation of section 134). Under the February 27 IRS opinion, any of these modifications or adjustments would make the benefit taxable.

In addition to providing your comments on the draft legislation, please provide your estimate of the cost of the bill. In this regard, we understand that IRS never has collected or attempted to collect any taxes based on the receipt of VA-administered veterans' benefits, even in connection with VA debt waivers, which the IRS opinion concluded may constitute a "qualified military benefit." In fact, every official IRS publication of which we are aware that mentions veterans' benefits, including "Your Income taxes" (Pub. 17) and a 1988 IRS private letter ruling, explicitly states that veterans' benefits are *not* taxable. Many of these publications even list all available veterans' benefits to indicate that each is non-taxable.

IRS has not collected any taxes under Internal Revenue Code section 134 on VA benefits during the six years it has been in effect. That and the overwhelming weight of IRS pronouncements that veterans' benefits are not taxable clearly suggest to us that the revenue baseline under the Budget Enforcement Act of 1990 includes no amounts for the collection of taxes on VA-administered benefits modified or adjusted since 1986 and, therefore, that the draft legislation would have no "pay-as-you-go" effects.

Veterans already have started to express to us their understandable concern about the IRS opinion and its potential effects. Considering the urgent need to clarify the tax exempt status of veterans' benefits and services, we would appreciate receiving your response no later than May 22, 1992. Thank you for your prompt attention to this important matter and your continuing dedication to our nation's veterans.

Sincerely,

ALAN CRANSTON,
Chairman,
Senate Committee on Veterans' Affairs.
ARLEN SPECTER,
Ranking Republican Member,
Senate Committee on Veterans' Affairs.

DEPARTMENT OF THE TREASURY,
Washington, DC, July 2, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In a letter dated May 13, 1992, you asked us to review the legal analysis and conclusions contained in a letter from the Internal Revenue Service to the General Counsel of Veterans Affairs dated February 27, 1992. The IRS letter addressed the taxability of certain VA home mortgage debt waivers. We are aware of the significant amount of interest in this very important issue and appreciate your concerns.

Based on our review to date of veterans benefits administered by the Department of Veterans Affairs, we have concluded that the following are exempt from tax:

1. Income arising from VA home mortgage debt waivers and similar debt waiver programs;

2. Disability-related payments, including all cost-of-living adjustments (COLAs) that have been made since 1986; and

3. All in-kind benefits provided by the VA as of September 9, 1986, regardless of any subsequent modifications to those benefits.

We are continuing our review of other veteran benefits and the effect of the Tax Reform Act of 1986 on those benefits. We will keep you informed of our progress and expect to complete that review within the next several weeks.

If you have any further questions, please do not hesitate to have a member of your staff contact Val Strehlow at 622-0869.

Sincerely,

FRED T. GOLDBERG, Jr.,
Assistant Secretary, Tax Policy.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, July 29, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This will respond to your request for the views of the Department of Veterans Affairs (VA) on the draft bill, "To amend the Internal Revenue Code of 1986 to clarify that the exclusion from taxation of veterans benefits is not affected by changes in the taxation of military benefits."

On February 27, 1992, the Internal Revenue Service issued an opinion that VA housing loan debt waivers may, under certain circumstances, result in taxable income to the veteran. Following the release of that opinion, extensive discussions took place within the Executive Branch regarding the proper interpretation of the various provisions of law related to the taxation of VA benefits.

As you are aware, on July 2, 1992, Secretary of the Treasury Nicholas Brady advised me that the Treasury Department has concluded that the following VA benefits are tax exempt:

1. Home loan debt waivers and similar debt waivers;

2. Disability related payments, including COLAs; and

3. All in-kind benefits provided by VA as of September 9, 1986, regardless of any subsequent modifications.

We believe this Treasury determination resolves most issues related to taxation of VA benefits. We will keep you informed as Treasury's review of the few remaining matters continues.

In view of this ongoing review, we believe legislation is premature. We would request that legislative action be deferred until all issues are resolved administratively.

A similar reply is being provided to Senator Arlen Specter. Your continued concern regarding this issue is most appreciated.

Sincerely yours,

EDWARD J. DERWINSKI.

DISABLED AMERICAN VETERANS,
Washington, DC, May 7, 1992.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury, Washington, DC.

DEAR SECRETARY BRADY: As Executive Directors of America's three largest Veterans' Service Organizations, we would appreciate the opportunity to meet with you regarding a matter of utmost concern to our combined 6.7 million national memberships.

Specifically, we have recently been informed of an opinion rendered on February 27, 1992, by the General Counsel of the Internal Revenue Service (IRS) which states, in part:

Only those military benefits that existed, and were tax-exempt, as of September 9, 1986, will continue to be tax-exempt thereafter; any latter expansion or modification of those benefits, and any new benefits enacted after that date will be taxable (unless tax-exemption is specifically provided by the Code).

Mr. Secretary, as we understand it, this IRS opinion would subject certain Department of Veterans Affairs (VA) benefits modified since December 9, 1986—to include cost-of-living adjustments (COLAs)—to federal taxation. As you may be aware, never in the entire history of our country have veterans' benefits been subject to taxation. We can conceive of no greater threat to the welfare of our country's disabled veterans than taxation of these hard earned and, by all standards, modest entitlements.

Needless to say, this IRS General Counsel opinion is inconsistent with the Bush Administration's pledge of "no new taxes."

Mr. Secretary, in order to protect the sanctity of these benefits, we are prepared to call upon our national memberships to demonstrate the importance of the issue to the Administration. We certainly hope this will not be necessary, however, we can assure you that we are prepared to do just that if need be.

Mr. Secretary, when and where can we meet in order to discuss and, hopefully, resolve this important issue?

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director,
The American Legion.
LARRY W. RIVERS,
Executive Director,
Veterans of Foreign Wars.
JESSE BROWN,
Executive Director, Washington Office,
Disabled American Veterans.

DISABLED AMERICAN VETERANS,
Washington, DC, May 7, 1992.

Hon. SAMUEL K. SKINNER,
Chief of Staff, The White House, Washington, DC.

DEAR MR. SKINNER: On behalf of the three largest organizations representing American veterans, we are writing to request your assistance in overturning a new and unjustified tax on the benefits provided to veterans. The Internal Revenue Service (IRS) has recently issued a letter which interprets section 134 of the Internal Revenue Code to impose a tax on housing benefits provided to certain veterans. While the IRS letter directly addresses only housing benefits, its reasoning would extend to tax many other benefits provided to veterans, such as cost-of-living adjustments ("COLAS").

We believe that taxing veterans' benefits is bad policy, contrary to Congressional intent, and an incorrect interpretation of the Internal Revenue Code. It might be possible to resolve this matter by overturning the interpretation in the IRS letter administratively. In the event this is not feasible, however, we are transmitting a proposed amendment to section 134 of the Internal Revenue Code to make it clear that COLAs and other veterans' benefits are not subject to tax.

The first section below summarizes section 134 of the Internal Revenue Code and the IRS letter. The second section explains that the IRS letter overlooked other provisions of the Internal Revenue Code that exempt veterans' benefits from taxation. The third section explains why the Administration should sup-

port legislation to restore full tax exemption for veterans' benefits if the IRS letter is not overturned administratively.

I. SECTION 134 AND THE IRS LETTER

Section 134 was added to the Internal Revenue Code in 1986. It provides an exclusion from income (and, hence, an exemption from tax) for "qualified military benefits" that were excludable from income on September 9, 1986.

The IRS letter, which was issued on February 27, 1992, applied section 134 to certain housing benefits provided to veterans. The Department of Veterans Affairs (the "VA") guarantees housing loans for veterans. If a veteran defaults on a guaranteed loan, the VA will pay the lender. In certain circumstances, the veteran is not required to repay the VA.

The IRS letter concluded that these housing benefits were excludable from income only if the veteran would have been eligible for the waiver of repayment under the law as in effect on September 9, 1986. This means that if a veteran is eligible for a waiver of repayment under current law, but would not have been eligible under the law as in effect on September 9, 1986, the veteran must include the waived amount in income.

The reasoning in the IRS letter is quite broad and could be used to impose a tax on any benefit that is the result of a statute enacted since September 9, 1986. In particular, if the reasoning in the IRS letter is accepted, COLAs enacted since September 9, 1986 could be subject to tax.

II. THE IRS LETTER IS INCORRECT AND SHOULD BE REVOKED ADMINISTRATIVELY

The IRS letter did not discuss section 136 of the Internal Revenue Code. Section 136 contains a broad exemption from taxation for veterans' benefits. When Congress adopted section 134 in 1986, it did not amend section 136 at all (except to renumber it). This indicates that Congress did not intend to affect the tax-exempt status of veterans' benefits when it enacted section 134.

The IRS letter, which overlooked section 136, was thus in error when it concluded that housing benefits are taxable. Accordingly, we request that the IRS and the Treasury Department withdraw the letter and issue new guidance affirming the exclusion from income for veterans' benefits. Such administrative action could make new legislation unnecessary.

III. THE ADMINISTRATION SHOULD SUPPORT AMENDMENT OF SECTION 134

If the IRS letter is not overturned administratively, we urge you to support the prompt enactment of legislation to restore a complete tax exemption for veterans' benefits. The injustice of imposing a tax on veterans' benefits is clearly demonstrated by considering the treatment of COLAs for service-connected disabilities.

The attached amendment would modify section 134 of the Internal Revenue Code to restore full deductibility for COLAs and other veterans' benefits. Veterans have earned their benefits many times over by willingly enduring hardship and danger in defending our country. Many thousands have sacrificed their lives or suffered severe disabilities during their military service. Those sacrifices have been consistently recognized by Congress and incorporated in the IRS Code. The proposed change would reaffirm that policy.

On behalf of our members, we strongly urge you and the Administration to support the restoration of full tax-exemption for veterans' benefits. We thank you for past efforts and respectfully request a personal meeting with you to discuss this most important issue.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director,
The American Legion.
LARRY W. RIVERS,
Executive Director,
Veterans of Foreign Wars.
JESSE BROWN,
Executive Director, Washington Office,
Disabled American Veterans.

THE SECRETARY OF THE TREASURY,
Washington, DC, May 17, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR PAT: I am pleased to translate for your immediate consideration and enactment a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income. An identical proposal has been transmitted to the Chairman of the House Ways and Means Committee.

I urge the Congress to give the attached bill prompt and favorable consideration.

Sincerely,

LLOYD BENTSEN.●

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. HATFIELD, and Mr. PACKWOOD):

S. 1084. A bill to amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT AMENDMENTS

● Mrs. MURRAY. Mr. President, I came to the Senate floor a little over a month ago to report on a ruling by the Ninth Circuit Court of Appeals that certain provisions of the Forest Resources Conservation and Shortage Relief Act of 1990 were unconstitutional. This ruling has been a source of deep concern over the past several weeks for the congressional delegations of the Northwest because of its implications for rural towns in our region.

There is a 17-month inventory of timber sales totaling some 750 million board feet of logs that have been purchased but not harvested in Washington State. As I stand here today, it is possible for that timber to go into the export market, placing jobs, businesses, and the environment at risk. Mr. President, my colleagues who have been following the forest debate in the Northwest know the towns and people of rural Washington can ill-afford the chilling effect removing this log export ban would have.

Almost as soon as the decision came down, Members from Washington and other States went to work on remedial legislation to address parts of the old law found in error by the courts. Our goal was to quickly identify the problems, reach consensus on the best way to fix them, and then move legislation promptly through Congress.

Today, Mr. President, I take the floor to announce the introduction of a bill that will reinstate the ban on log exports from public lands in the West. This bill reflects a focused, bipartisan effort to repair a law that until now has worked very well.

In considering New York versus the United States last year, the Supreme Court ruled that Congress, under the 10th amendment of the Constitution, may not "Commandeer the legislative processes of the States by directly compelling them to enact and enforce a Federal regulatory program." Taking its cue from this decision, the ninth circuit determined that the Shortage Relief Act violated the 10th amendment because it required Governors to implement the Federal ban on log exports from State lands.

Mr. President, this bill remedies the problem by amending the Shortage Relief Act to provide discretionary authority for Governors to act at their own initiative to implement a Federal ban on log exports from State lands. In the absence of action by the Governors, the bill requires the Department of Commerce to issue regulations to implement the ban.

The effect of these provisions, Mr. President, will be to restore the integrity of the Shortage Relief Act so unprocessed timber from public lands throughout the West will be sold into the domestic supply pool.

I would like to close by saying a few words about why we are taking this action today. The previous law accomplished some very important things, and we must restore its validity. At a time when uncertainty has pervaded the forest products industry, when jobs have been lost and families are suffering, it provided one of the few bright spots. It laid down strong restrictions on the export of unprocessed timber from State lands throughout the West. It was particularly important to Washington, where millions of board feet of timber from State lands were flowing over the docks to other Pacific rim countries before enactment.

It ensured that independent small businesses had access to an additional source of logs in the face of a shrinking harvest. It kept mills open and people at work. Most importantly, it has kept one of our most valuable natural resources here at home.

Enacting this law was no small feat. It reflected a strong bipartisan consensus between members of the Washington and Oregon congressional delegations and countless hours of work. As I have said before, Mr. President, it did not make everyone happy, but it did function as intended.

I am very pleased that we have been able to hold together the consensus that led to enactment of the original law. The decision of the courts to overturn this law created a crisis for our State. Working together, the

delegation has been able to identify and implement the right solution. I urge my colleagues to support this bill when the Senate has an opportunity to consider it.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Resources Conservation and Shortage Relief Amendments Act of 1993".

SEC. 2. RESTRICTION ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND OTHER PUBLIC LANDS.

Section 491 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c) is amended—

(1) in subsection (a)—

(A) by striking "(e)" and inserting "(g)"; and

(B) by striking "in the amounts specified" and inserting "as provided";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", notwithstanding any other provision of law," after "prohibit"; and

(ii) by striking "not later than 21 days after the date of the enactment of this Act" and inserting ", effective June 1, 1993";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) The Secretary of Commerce shall issue an order referred to in subsection (a) to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective during the period beginning on June 1, 1993, and ending on December 31, 1995.";

(ii) by striking subparagraphs (B) and (C); and

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "total annual sales volume" and inserting "annual sales volume in that State of unprocessed timber originating from public lands";

(C) in paragraph (3)—

(i) by redesignating such paragraph as paragraph (4); and

(ii) by striking "States pursuant to this title" and inserting "the Secretary of Commerce pursuant to this title and the effectiveness of State programs authorized under subsection (d)"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) PROHIBITION ON SUBSTITUTION.—

"(A) PROHIBITION.—Subject to subparagraph (B), each order of the Secretary of Commerce under paragraph (1) or (2) shall also prohibit, notwithstanding any other provision of law, any person from purchasing, directly or indirectly, unprocessed timber originating from public lands in a State if—

"(i) such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or

"(ii) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

"(B) EXEMPTION.—The prohibitions referred to in subparagraph (A) shall not apply in a State on or after the date on which—

"(i) the Governor of that State provides the Secretary of Commerce with notification of a prior program under subparagraph (C) of subsection (d)(2),

"(ii) the Secretary of Commerce approves a program of that State under subparagraph (A) of subsection (d)(2), or

"(iii) regulations of the Secretary of Commerce issued under subsection (c) to carry out this section take effect,

whichever occurs first.";

(3) by redesignating subsections (e) through (j) as subsections (g) through (l), respectively; and

(4) by striking subsections (c) and (d) and inserting the following:

"(c) FEDERAL PROGRAM.—

"(1) ADMINISTRATION BY THE SECRETARY OF COMMERCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Commerce shall, as soon as possible after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993—

"(i) determine the species, grades, and geographic origin of unprocessed timber to be prohibited from export in each State that is subject to an order issued under subsection (a);

"(ii) administer the prohibitions consistent with this title;

"(iii) ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export within each State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State; and

"(iv) issue such regulations as are necessary to carry out this section.

"(B) EXEMPTION.—The actions and regulations of the Secretary under subparagraph (A) shall not apply with respect to a State that is administering and enforcing a program under subsection (d).

"(2) COOPERATION WITH OTHER AGENCIES.—The Secretary of Commerce is authorized to enter into agreements with Federal and State agencies with appropriate jurisdiction to assist the Secretary in carrying out this title.

"(d) AUTHORIZED STATE PROGRAMS.—

"(1) AUTHORIZATION OF NEW STATE PROGRAMS.—Notwithstanding subsection (c), the Governor of any State may submit a program to the Secretary of Commerce for approval that—

"(A) implements, with respect to unprocessed timber originating from public lands in that State, the prohibition on exports set forth in the Secretary's order under subsection (a); and

"(B) ensures that the species, grades, and geographic origin of unprocessed timber prohibited from export within the State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State.

"(2) APPROVAL OF STATE PROGRAMS.—

"(A) PROGRAM APPROVAL.—Not later than 30 days after the submission of a program under paragraph (1), the Secretary of Commerce shall approve the program unless the Secretary finds that the program will result in the export of unprocessed timber from public lands in violation of this title and publishes that finding in the Federal Register.

"(B) STATE PROGRAM IN LIEU OF FEDERAL PROGRAM.—If the Secretary of Commerce approves a program submitted under paragraph (1), the Governor of the State for which the program was submitted, or such other official of that State as the Governor may designate, may administer and enforce the program, which shall apply in that State in lieu of the regulations issued under subsection (c).

"(C) PRIOR STATE PROGRAMS.—Not later than 30 days after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, the Governor of any State that had, before May 4, 1993, issued regulations under this subsection as in effect before May 4, 1993, may provide the Secretary of Commerce with written notification that the State has a program that was in effect on May 3, 1993, and that meets the requirements of paragraph (1). Upon such notification, that State may administer and enforce that program in that State until the end of the 9-month period beginning on the date on which the Secretary of Commerce issues regulations under subsection (c), and that program shall, during that 9-month period, apply in that State in lieu of the regulations issued under subsection (c). Such Governor may submit, with such notification, the program for approval by the Secretary under paragraph (1).

"(e) PRIOR CONTRACTS.—Nothing in this section shall apply to—

"(1) any contract for the purchase of unprocessed timber from public lands that was entered into before October 24, 1990; or

"(2) any contract under which exports of unprocessed timber were permitted pursuant to an order of the Secretary of Commerce in effect under this section before October 23, 1992.

"(f) WESTERN RED CEDAR.—Nothing in this section shall be construed to supersede section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)).".

SEC. 3. MONITORING AND ENFORCEMENT.

(a) MONITORING.—Section 492(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620d(a)) is amended—

(1) paragraph (1), by striking "and" at the end of the paragraph;

(2) in paragraph (2), by striking the period at the end of the paragraph and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) each person who acquires, either directly or indirectly, unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall report the receipt and disposition of the timber to the Secretary of Commerce, in such form as the Secretary may by rule prescribe, except that nothing in this paragraph shall be construed to hold any person responsible for reporting the disposition of any timber held by subsequent persons; and

"(4) each person who transfers to another person unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall, before completing the transfer—

"(A) provide to such other person a written notice, in such form as the Secretary of Commerce may prescribe, that shall identify the public lands from which the timber originated; and

"(B) receive from such other person—

"(i) a written acknowledgment of the notice, and

"(ii) a written agreement that the recipient of the timber will comply with the requirements of this title,

in such form as the Secretary of Commerce may prescribe; and

"(C) provide to the Secretary of Commerce copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).".

(b) CIVIL PENALTIES.—Section 492(c) of the Forest Resources Conservation and Shortage Relief Act of 1990 is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" before "If the Secretary"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the restrictions contained in an order of the Secretary under section 491(a) on exports of unprocessed timber from public lands, exported or caused to be exported unprocessed timber originating from public lands in violation of such order, the Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

"(ii) Clause (i) shall not apply with respect to exports of unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d)."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" before "If the Secretary"; and

(C) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary finds, on the record and after an opportunity for a hearing, that a person has violated, on or after June 1, 1993, any provision of this title or any regulation issued under this title relating to the export of unprocessed timber originating from public lands (whether or not the violation caused the export of unprocessed timber from public lands in violation of this title), the Secretary may assess against such person a civil penalty to the same extent as the Secretary concerned may impose a penalty under clause (i), (ii), or (iii) of subparagraph (A).

"(ii) Clause (i) shall not apply with respect to unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).".

SEC. 4. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.●

● Mr. GORTON. Mr. President, I speak today as a cosponsor of the legislation introduced today by my colleague from Washington regarding the Ninth Circuit Court overturn of the State log export ban. The legislation seeks to correct what the ninth circuit declared unconstitutional, a requirement that the State implement a ban imposed by the Federal Government. It is the express purpose of the entire delegation from the Northwest, Republican and Democrat alike, to reinstate the status quo which existed before the ninth circuit decision on May 4, 1993, with respect to the ban on log exports from state owned land.

This legislation, drafted by the entire Northwest delegation, takes its cue from environmental regulations like those of the Clean Air Act and the Clean Water Act. Like these major environmental acts, this bill provides a mechanism by which States can choose to implement the regulatory scheme required by the passage of the legislation. In the case of this bill the State is given the option of choosing to administer its own ban on log exports of State owned timber. Absent a State assumption and enforcement of the log export ban, the legislation requires the Secretary of Commerce to enforce a Federal ban on the export of State owned logs. The delegation believes that because a State's Governor can choose to enforce the ban rather than being forced to do so this legislation should meet the test of constitutionality.

It is important for us to overturn this Ninth Circuit Court decision. The intent of the original legislation, which I was proud to work hard to pass, was correct. As a matter of public policy, the government should decide what it wants to do with publicly owned resources. In this case, I believe that Congress' action in passing the original legislation clearly reflected the will of Washingtonians and all of America. Because of this legislation, mill workers and their communities that depend on State owned timber for processing in their mills are assured of priority access to publicly owned timber.

Mr. President, if we fail to pass this legislation, millions of board feet of timber now required to be processed domestically could be lost to the export market. I am pleased, therefore, to join the entire delegation from the Northwest in advocating the passage of this legislation. I pledge my strongest resolve to assist the Northwest delegation in making sure that this legislation is passed promptly.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. BIDEN, Mr. BRADLEY, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. MITCHELL, Mr. PELL, Mr. SPECTER, Mr. WELLSTONE, Mr. WOFFORD, and Mr. BRYAN):

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

● Mr. DECONCINI. Mr. President, for the sixth year in a row I am pleased to introduce, along with Senators D'AMATO, BIDEN, BRADLEY, BRYAN, GRAHAM, HEFLIN, HOLLINGS, INOUYE, JOHNSTON, LAUTENBERG, MITCHELL, PELL, SPECTER, WELLSTONE, and WOFFORD, a joint resolution designating September 9, 1993, and April 21, 1994, as "National DARE Day." DARE, an acronym for drug abuse resistance education, is a highly successful educational program designed to teach students the skills necessary to resist pressure to experiment with drugs and alcohol. The year 1993 marks the 10th anniversary of DARE, and this resolution acknowledges the accomplishments of this effective drug education program.

DARE was originally developed as a cooperative effort between the Los Angeles Police Department and the Los Angeles Unified School District. Initially, the program began with 10 Los Angeles police officers teaching at 50 local elementary schools. Today the program is taught by more than 15,000 officers in over 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense dependent schools worldwide.

Originally taught to fifth and sixth grade children, DARE has expanded to include all grades K–12 as a result of its success. The program effectively targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to comprehend fully the dangers of drug use. In addition, the program provides parents with the skills necessary to reinforce the decision of their children to lead drug-free lives.

In my home State of Arizona, we now have 84 separate agencies that are involved in DARE and 252 trained officers teaching the program in 565 elementary schools. During this school year alone, almost 45,000 fifth and sixth grade students, or 64 percent, will receive the primary DARE curriculum. DARE will reach an additional 129,268 students in grades K–4; 9,336 students in the junior high program; and 750 students in the high school program.

When the University of Michigan's annual national survey of high school students was recently released, the report showed a continuing decline in drug and alcohol use among high school seniors. However, the Michigan survey also reported significant increases among eighth graders in the use of virtually every illicit drug, including marijuana, cocaine, LSD, and inhalants. This is the first evidence of an increase in drug use among young people since 1986 when cocaine use began to decrease.

I think we can reasonably conclude from these results that we must redouble our efforts to educate our young people on the dangers of illegal drugs.

We must fight harder—implementing greater preventive measures and creating greater community awareness. In short, we need to provide in this country a drug education curriculum for every child, in every classroom, in every school in America. Programs like DARE have proven effective and must be expanded.

Independent studies show that the DARE program has had a significant impact on the rates of drug and alcohol use among students who have studied DARE versus those who have not. Moreover, educators are finding that the DARE program has contributed to improved study habits and grades, decreased vandalism and gang activity, and a better rapport between children and police officers.

Mr. President, the DARE program is a program that works. It is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the sixth straight year by designating September 9, 1993, and April 21, 1994, respectively, as "National DARE Day." I urge my colleagues to show their support by cosponsoring this joint resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 99

Whereas Drug Abuse Resistance Education (in this joint resolution referred to as "D.A.R.E.") is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25,000,000 youths in grades K–12;

Whereas D.A.R.E. is taught in more than 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, teaching students decision-making skills, educating students about the consequences of certain behaviors, and building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further the development of their children and reinforce the decisions of their children to lead drug-free lives;

Whereas D.A.R.E. is taught by street-wise veteran police officers with years of direct experience with people whose lives were ruined by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches D.A.R.E. completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills;

Whereas independent research has found that D.A.R.E. substantially impacts students' attitudes toward substance use, contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers; and

Whereas 1993 marks the 10th year that D.A.R.E. has provided students with the skills they will need as young adults to resist the temptations of drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 9, 1993, and April 21, 1994, are each designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.•

By Mr. PELL:

S.J. Res. 100. A joint resolution to affirm the national policy of metric conversion benefiting the United States; to the Committee on Commerce, Science, and Transportation.

METRIC CONVERSION JOINT RESOLUTION

• Mr. PELL. Mr. President, Americans have always prided themselves on being first—especially in sharing with the rest of the world the benefits of our scientific research and technology. In one very important area of trade and technology, however, we are closer to the Middle Ages than we are to the 21st century. The United States is now the only industrialized nation in the world that has failed to officially adopt the standard international or metric system of measurement. Let me say again: The United States is the only industrialized nation in the world that does not use the metric system.

The question of metric conversion has been debated in the United States since the days of Thomas Jefferson and John Quincy Adams and one may rightly ask: What difference does it make, after 200 years of debate, whether the United States officially embraces the metric system and adopts programs to affirmatively promote conversion in the private sector?

The answer is really very simple: The United States stands to gain untold millions in export trade we are currently losing because our nonmetric products are effectively excluded from international markets. The U.S. Department of Commerce estimates that U.S. exports could be increased by up to 20 percent by offering metric-sized goods to international markets. In a booklet published by the Small Business Administration for small businesses considering converting to the metric system, the SBA cites three examples of the trade problems caused by the production of non-metric goods.

Saudi Arabia rejected a shipment of General Electric appliances because the power cords were 6 feet long rather than the 2-meter length required by Saudi regulations.

A Middle Eastern company was forced to rewire all electronic equipment it imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty finding American lumber companies that will produce lumber in metric lengths.

It is also important to keep in mind that the European Community recently extended its deadline for accepting only metrically labeled imports from December 1992 to December 1999, 7 very short years from now.

The joint resolution I am introducing reaffirms that the national interest would be best served by expediting the metric conversion process, and calls upon the Federal Government to lead our national efforts to speed conversion as a means of reducing our trade deficit, increasing competitiveness abroad and creating jobs. The adoption of this joint resolution, particularly as part of the well-founded effort to regain American leadership in manufacturing and technology, would send a badly needed signal that the United States is back on track with the metric conversion process that is already largely completed in all other industrialized societies.

By actively promoting metric conversion, our Government would open the door for new markets and thereby help to create the new jobs this Nation so drastically needs. The fact is, U.S. business will have to think in metrics or eventually be left behind. It is that simple. And it is time for our Government to assume a leadership position on the metric issue, instead of passively waiting for market forces to reverse our archaic system of measurement. The joint resolution I am introducing, appropriately designated as Senate Joint Resolution 100, will signal our willingness to make expedited metric conversion a part of a new American trade policy, one designed to bring new markets and new jobs into an economy streamlined for the 21st century.

Mr. President, I ask unanimous consent that Senate Joint Resolution 100 be appropriately referred and printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 100

Whereas Congress passed the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) on December 15, 1975;

Whereas it is the policy of the United States Government to coordinate and plan the increasing use of the metric system;

Whereas some achievements have been made in industry toward the use of the metric system, and Federal agencies have begun the process of conversion to the metric system;

Whereas the principal benefit of accelerating the metric changeover is an improvement in the ability of the Nation to export and compete more favorably in growing world markets;

Whereas the twelve nations of the European Community are now one market and will soon accept only metrically labeled imports;

Whereas United States trade deficits could be substantially reduced by the increased availability to our trading partners of United States products made to metric scale:

Whereas corporate policies toward the use of metrics in manufacturing and international trade can expand productivity and increase small business opportunity;

Whereas the metric changeover should continue to take place in the United States whenever it is in the best interests of the consumer and the producer; and

Whereas the Federal Government, by law or regulation, should not discourage nor prohibit the voluntary process of metric transition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the increasing use of the metric system is of benefit to the United States; and

(2) continued conversion to the metric system in the United States will contribute to a reduction in the trade deficit by making United States products more marketable in international trade, thereby preserving jobs and promoting growth in the United States economy.

SEC. 2. REAFFIRMING NATIONAL POLICY.

Congress hereby reaffirms the national policy of the United States set forth in the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) and calls for the initiation of specific programs, including new initiatives in the field of metric education, to speed conversion to the metric system of measurement.●

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Oklahoma [Mr. BOREN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 266

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training, and improvement.

S. 473

At the request of Mr. JOHNSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes.

S. 572

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 572, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 687

At the request of Mr. HATCH, his name was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 869

At the request of Mr. WELLSTONE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 869, a bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes.

S. 881

At the request of Mr. DODD, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 922

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 922, a bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

S. 943

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 943, a bill to protect children from the physical and mental harm resulting from violence contained in television programs.

S. 950

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 950, a bill to increase the credit available to small businesses by reducing the regulatory burden on small regulated financial institutions having total assets of less than $400,000,000.

S. 1004

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 74

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

McCONNELL AMENDMENT NO. 391

Mr. McCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993"; as follows:

On page 11, line 22, after "increased" insert "(for purposes of the provisions of this Act other than section 503(c))".

On page 13, line 16, after "increased" insert "(for purposes of this provisions of this Act other than section 503 (b) or (c))".

McCAIN AMENDMENT NO. 392

Mr. McCAIN proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

In title VIII, sec. 801, on line 8, beginning after the word "Act," strike all through line 10.

GREGG AMENDMENT NO. 393

Mr. GREGG proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

At the end of section 802(b), insert a new subsection (c), as follows:

"(c) CLARIFICATION OF RELATIONSHIP TO POTENTIAL RECONCILIATION ACT PROVISIONS.—

Notwithstanding any other provision of this Act, if a provision that disallows (in whole or in part) the federal income tax deduction for lobbying expenses is included within the version of the Omnibus Budget Reconciliation Act of 1993 that is enacted into law, then, for purposes of subsection (a) of this section, the Director of the Office of Management and Budget cannot use the revenues associated with the enactment of such a disallowance for certifying that legislation providing for offsetting revenues has been enacted."

BOREN (AND MITCHELL) AMENDMENT NO. 394

Mr. BOREN (for himself and Mr. MITCHELL) proposed an amendment to amendment No. 393 proposed by Mr. GREGG to the amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

In the amendment strike all after "Provisions" in line 5 and insert the following:

The amount of increased revenue to the United States that is determined to be attributable to the disallowance of a deduction from income tax for lobbying expenses made by any law shall be paid into the general fund of the Treasury to reduce the deficit, and, to the extent provided by law, shall be used to reduce the role of special interests in congressional elections by funding the provision of benefits to candidates to encourage their agreement to campaign expenditure limits.

PRESSLER AMENDMENTS NOS. 395–396

(Ordered to lie on the table.)

Mr. PRESSLER submitted two amendments intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

AMENDMENT NO. 395

At the appropriate place, insert the following:

SEC. . PROHIBITION OF PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS WHEN A BUDGET DEFICIT IS PROJECTED.

(a) NO PUBLIC FUNDING WHEN THERE IS A BUDGET DEFICIT.—During any fiscal year for which the Office of Management and Budget and the Congressional Budget Office have projected a budget deficit, no funds shall be paid out of the Treasury to make any payment that may be authorized by law prior to, on, or after the date of enactment of this Act to fund the campaign of a candidate for nomination for election to, or for election to, the Senate or the House of Representatives.

(b) NO REPEAL WITHOUT SPECIFIC REFERENCE.—No law that is in effect or comes into effect on or after the date of enactment of this Act shall be construed to repeal, supersede, or otherwise negate the operation of subsection (a) unless that law—

(1) makes specific reference to subsection (a); and

(2) states that it is the intent of Congress by that law to repeal, supersede, or otherwise negate the operation of subsection (a).

AMENDMENT NO. 396

At the appropriate place, insert the following:

SEC. . PROHIBITION OF PUBLIC FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS WHEN THE PUBLIC DEBT SURPASSES THE CURRENT PUBLIC DEBT.

(a) NO PUBLIC FUNDING WHEN THE PUBLIC DEBT SURPASSES THE CURRENT PUBLIC DEBT.—During any fiscal year with respect to which the Secretary of the Treasury determines that, at any time during that fiscal year, the amount of the public debt is likely to surpass the amount of the public debt outstanding on the date of enactment of this Act, no funds shall be paid out of the Treasury to make any payment that may be authorized by law prior to, on, or after the date of enactment of this Act to fund the campaign of a candidate for nomination for election to, or for election to, the Senate or the House of Representatives.

(b) NO REPEAL WITHOUT SPECIFIC REFERENCE.—No law that is in effect or comes into effect on or after the date of enactment of this Act shall be construed to repeal, supersede, or otherwise negate the operation of subsection (a) unless that law—

(1) makes specific reference to subsection (a); and

(2) states that it is the intent of Congress by that law to repeal, supersede, or otherwise negate the operation of subsection (a).

MCCONNELL AMENDMENT NO. 397

Mr. MCCONNELL proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill, S. 3, supra, as follows:

On page 49, line 8, strike **"NONELIGIBLE"**.

On page 49, line 9, insert "(a) NONELIGIBLE CANDIDATES.—" before "Section".

On page 49, between lines 18 and 19, insert the following:

(b) ELIGIBLE CANDIDATES.—Section 318 of FECA (2 U.S.C. 441d), as amended by subsection (a), is amended by adding at the end the following:

"(g) If a broadcast is paid for by a voter communication voucher provided under section 503(c), the broadcast shall contain the following sentence: The preceding political advertisement was paid for with taxpayer funds.'."

NOTICES OF HEARINGS

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. BOREN. Mr. President, for the interest of my colleagues and for members of the public, I would like to announce that the Joint Committee on the Organization of Congress will hold a hearing for outside groups and other interested parties to testify before the Joint Committee on June 29, 1993, beginning at 10 a.m. Anyone interested in testifying should contact the joint committee's office at 226-0650. The joint committee would like to receive input from all interested parties before we begin to assemble our recommendations, so we encourage those who cannot testify to enter statements into our record.

The joint committee intends to hold its final hearing this summer on July 1, 1993.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing previously scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources on June 10, 1993, will now take place on June 16, 1993.

The hearing will begin at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 294, to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes;

S. 310, to amend title V of Public Law 96-550, designating the Chaco Cultural Archeological Protection Sites, and for other purposes;

S. 313, to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wildernesses and to establish the Fossil Forest Research Natural Area, and for other purposes;

S. 643 and H.R. 38, to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes;

S. 836, to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro—the Royal Road of the Interior Lands—and for other purposes;

S. 983, to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes;

S. 1049 and H.R. 698, to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park; and

H.R. 843, to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Park and Forests of the Committee on Energy and National Resources.

The hearing will take place on Thursday, June 17, 1993, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes;

S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands;

S. 742, to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes;

S. 752, to modify the boundary of Hot Springs National Park, and for other purposes;

S. 851, to establish the Carl Garner Federal Lands Cleanup Day, and other purposes;

S. 971, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes;

S.J. Res. 78, designating the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53 degrees 53'48"N., 166 degrees 34'21"W on Hog Island, which lies in the Northeast Bay of Unalaska, AK, as "Arkansas Beach" in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942; and

H.R. 236, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and National Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on June 8, 1993, at 10 a.m. on financial programs that affect fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., June 8, 1993, to receive testimony from William H. White, nominee to be Deputy Secretary of Energy; Maj. Gen. Archer L. Durham, Ret., nominee to be Assistant Secretary of Energy for Human Resources and Administration; and William J. Taylor III, nominee to be Assistant Secretary of Energy for Congressional, Intergovernmental, and International Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on June 8, at 9:30 a.m., on the nomination of Roger Johnson, to be Administrator, General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Service: Building Common Ground, during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BOREN. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m. to hold a hearing entitled "The Aging Network: Linking Older Americans to Long-Term Care Services."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION AND SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution and the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 10 a.m., to hold a joint hearing on television violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION, AND INDUSTRIAL BASE

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition, and Industrial Base of the Committee on Armed Services be authorized to meet on Tuesday, June 8, 1993, at 9:30 a.m. to receive testimony on specific critical sectors of the defense industrial base in review of the defense authorization request for 1994 and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS STUDY COMMISSION

Mr. BOREN. Mr. President, I ask unanimous consent that the Ethics Study Commission be authorized to meet during the session of the Senate on Tuesday, June 8, 1993, at 2 p.m. in room 253, to resume its hearings on reforming the process the Senate uses to investigate and decide alleged ethical misconduct by Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SISTERS OF THE HOLY SPIRIT AND MARY IMMACULATE

• Mr. KRUEGER. Mr. President, in San Antonio 100 years ago today, Sister Margaret Mary Healy-Murphy and two other dedicated young women took holy vows, and the Order of the Sisters of the Holy Spirit and Mary Immaculate was founded.

Although the Civil War had ended almost 30 years earlier, few schools in Texas were willing to educate young blacks. Believing that God's children had the right to achieve whatever He had intended, Sister Margaret Mary and her companions started a school for black students, and for a century, the Sisters of the Holy Spirit and Mary Immaculate have carried on their special calling to teach the poor of all races and faiths.

Today, this dedicated and selfless order operates three schools in the Dallas area—St. Mary's, St. Philip the Apostle, and St. Augustine. Their story is all the more remarkable because these qualified and capable sisters not only have declined to teach at more comfortable schools, but many have traveled thousands of miles from their homeland in Ireland to serve in Texas.

This Sunday, June 13, Sisters of the Holy Spirit and Mary Immaculate will celebrate their centennial. I ask the Senate to join me in honoring these women of faith for their century of contribution to children in Texas, the Nation, and the world.•

IN RECOGNITION OF SOUTH HIGH SCHOOL

• Mr. DURENBERGER. Mr. President, history is the only true judge of greatness, so it is fitting at this time to recognize the centennial celebration that is occurring at South High School in Minneapolis, MN, this weekend.

South High School was opened in 1882 and graduated its first class in 1893. Since that time over 35,000 students have graduated from South. With a 1993 population of about 1,850 students, it is interesting to note that over the last decade South has had more merit scholar semifinalists and commendations than any school, public or parochial, in Minnesota.

The administrators, faculty members, community leaders, and neighborhood families are proud of the educational programs and tradition that exists at South High. Using the words of associate superintendent, George Dahl, it is truly a comprehensive high school in every positive sense of the word.

During the last century, the people associated with South High School have made it a practice to respond to the needs of the community. The school is racially diverse which explains their offerings of three different native American languages—Objibwe (Chippewa), Lakota (Sioux), and Dakota (Sioux), as well as Chinese, French, German, Latin, Russian, and Spanish.

Besides the traditional curriculum, students are also allowed to apply for admission into an open school program or into a magnet school program. The open school provides an alternative learning style, and the liberal arts magnet school offers an accelerated program for those who have high academic potential. In addition, the school is a metropolitan center for orthopedically disabled students, and there is a program for teenage mothers and their children which has the acronym MICE for maternal and infant care education.

South High School is a credit to Minnesota and our commitment to excellence in education. I know they will continue to blend change and tradition as successfully in the future as they have in the past. Congratulations to the community around South High as they salute the past and hope for the future.•

TRIBUTE TO MILTON METZ

• Mr. MCCONNELL. Mr. President, I rise today to acknowledge a long-time popular figure in the Commonwealth of Kentucky. After 44 years at WHAS radio and television in Louisville, Milton Metz will be retiring as host of his popular radio show "Metz Here" on June 10, 1993.

El Metzo, as he is known to his fans, has been a levelheaded companion to people all over the Eastern United States. Broadcasting from WHAS in Louisville, and with the benefit of a 50,000-watt clear channel signal, Milton reached into hundreds of thousands of homes each evening. I know on many occasions even here in Washington, I was able to hear his mellow voice coming in loud and clear. Let me tell you, Mr. President, his show made me long for Kentucky on more than one occasion.

Mr. President, "jack of all trades" is a phrase we use often to describe someone who is proficient in a great number of feats. Milton Metz' picture should be next to this phrase in the dictionary. He has handled thousands of different subjects throughout the years, and offered informed commentary each evening. There are many who watch this Chamber and wish that we could conduct our business with the skill and courtesy equal to Milton Metz.

Mr. President, Milton has always managed a polite and diplomatic program despite often dealing with difficult callers and guests. I appeared on his show a number of times and always found him to be fair, gracious, and well informed. He is a far cry from today's trend of sharp-tongued shock jocks.

It will be a little harder for many in Kentucky and throughout the East to go to sleep without Milton's smooth delivery helping them sort out another issue of the day. He will indeed be missed but certainly not forgotten.

Mr. President, I ask my colleagues to join me in recognizing this distinguished gentleman. His lifetime of achievement is worthy of our praise and admiration. In addition, I ask that an article from the May 27, 1993, Courier Journal appear in the RECORD at this point.

The article follows:

MILTON METZ TO END 34-YEAR-OLD TALK SHOW

(By Tom Dorsey)

"Metz Here," Milton Metz's longrunning radio talk show on WHAS, will come to an end June 10.

Metz, however, was quick to say in an interview yesterday that he isn't retiring. "I will be doing daily commentaries on topics of my own choosing, monthly specials as well as cover celebrities at the Derby and other special events," he said.

Metz will be replaced Mondays through Fridays from 9 p.m. to midnight by Doug McElvein, who now does a daily noon-to-3 p.m. talk show on WHAS.

Metz is stepping aside and McElvein is moving to make room for the arrival June 14 of Rush Limbaugh's program, which will run from noon to 3 p.m. Monday through Friday.

Limbaugh's conservative talk show, currently heard over WWKY 790-AM weekdays, is considered the hottest property on radio these days and was taking listeners away from WHAS. The changing of the guard has been rumored ever since WHAS outbid WWKY for Limbaugh's show.

"It seemed like a good time to move ahead," Metz said. He has been at WHAS for 44 years.

His career there included 34 years of doing "Metz Here," which began July 20, 1959.

El Metzo, as he liked to call himself, conducted a polite and diplomatic program, a stark contrast to many of the acid-tongued talk shows today. His tour of duty also included 19 years as a WHAS-TV weatherman and a stint as a co-host of "Omelet," a TV magazine program.

He said he was not forced out. "In fact, five years ago I brought the subject of moving off the nighttime shift," he said. "I have a wonderful life, but this thing takes a toll on you."

He said he was consulted and had a lot of input in the decision to wind up his phone-in program and assume new, less taxing duties.

"There have been very few times a major change has been made in broadcasting that didn't get somebody's nose out of joint, but that's not the case here. I'm happy," he said.

His daily commentaries, which will run about 90 seconds, probably will be heard on Wayne Perkey's morning show and perhaps at other times during the day. "I may do a book review, something on politics, a funny story I've heard or anything," he said.

"The station hasn't had an editorial-commentary voice, and this will be a welcome addition," said program director Skip Essick.

McElvein's move also will bump Joe Elliott's Friday night talk show off the air, but Elliott will continue his Sunday morning program and may be doing other talk radio shows on weekends, Essick said. Paul Harvey's weekday news commentary will be heard at 11:45 a.m. starting June 14.

Metz declined to give his age. "Let's just say I'm older than Diane Sawyer (47) and younger than Mike Wallace (75)." He plans to enjoy his new freedom. "I did the midnight thing for a long time. Now I want to go out and play some poker," he said.•

MORTGAGE REVENUE BOND PROGRAM; LOW-INCOME HOUSING TAX CREDIT

• Mr. GORTON. Mr. President, I am pleased to offer my support for S. 348, a bill which would provide a permanent extension of the Mortgage Revenue Bond Program and S. 487, which would permanently extend the low-income housing tax credit. I am a cosponsor of both of these bills, as I was last year.

Authority under both the Mortgage Revenue Bond Program and the Low-Income Housing Tax Program expired on June 30, 1992. The permanent extension of these programs' benefits are vital to the economic health of Washington State and the Nation. A study released by the Joint Center for Housing Studies at Harvard University shows that on a national level, decent and affordable housing remains out of reach for millions of middle- and low-income people despite lower interest rates and an improving economy.

Another study released by the Institute of Public Policy and Management at the University of Washington shows that, despite increasing demand, home ownership in Washington State is declining. This decline in home ownership has raised the demand for rental housing, which in turn, has increased the pressures on rents and low-income households.

The Congress has already demonstrated its strong support for both

these programs. Last year Congress twice passed tax legislation which would have permanently extended the Tax Credit and Mortgage Revenue Bond Program. However, President Bush vetoed both measures for unrelated reasons.

The reasons for this support is clear; these programs work. Since 1983, the Mortgage Revenue Bond Program has financed more than 20,800 loans to first-time homebuyers in Washington state alone. This represents $1.2 billion in loan money that has flowed through the program into the state's economy. During the past decade, the new construction of single-family homes financed under the program has supported 5,600 full-time jobs in our State. The Washington State Housing Finance Commission estimates the overall economic benefits of this program to Washington to be $2.4 billion.

Since its inception in 1987, the Low-Income Housing Tax Credit Program has financed more than 93,000 rental housing units in Washington State. Approximately 95 percent of these units are dedicated for rent to people earning less than 60 percent of median income. These units represent $420 million in expenditures by developers of affordable housing.

In 1992 alone, the Washington State Housing Finance Commission allocated $9.9 million to finance 1,536 additional units of rental housing worth $69 million. This is a significant contribution to Washington State's housing problem and to the economy. The tax credit program has proven to be the most efficient and effective tax subsidy program available for the development of low-income housing.

Congress must act to restore both the Mortgage Revenue Bond Program and the Low-Income Housing Tax Credit Program. The long hiatus in these programs is causing havoc not only for public and private participants who produce this housing but, more importantly, for the residents denied a decent and safe place to live. For these reasons I fully support S. 348 and S. 487.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 28, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated May 26, 1993, Congress has approved for the President's signature H.R. 1723, the CIA Voluntary Incentive Act. This action changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through May 28, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H.Con.Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 24, 1993, Congress has approved for the President's signature H.R. 1723, the CIA Voluntary Separation Incentive Act. This action changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 103D CONGRESS, 1ST SESSION AS OF MAY 28, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
ON-BUDGET			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−0.5
Revenues:			
1993	848.9	849.4	+0.5
1993–1997	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,197.4	−263.8
OFF-BUDGET			
Social Security outlays			
1993	260.0	260.0	
1993–1997	1,415.0	1,450.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–1997	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAY 28, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION PENDING SIGNATURE			
CIA Voluntary Separation Incentive Act (H.R. 1723)	1	1	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,893	1,241,795	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,097	495	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
Total	4,500	10,333

[2] Includes revision under section 9 of the Concurrent Resolution on the Budget.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.●

OLDER AMERICANS' FREEDOM TO WORK ACT OF 1993

● Mr. D'AMATO. Mr. President, I rise today to lend my support to S. 30, the Older Americans' Freedom to Work Act of 1993. This bill will repeal the Social Security earnings test that so unfairly penalizes working Americans between the ages of 65 and 69.

Currently, the earnings test denies older workers $1 in Social Security benefits for every $3 they earn over $10,560 per year. This benefit reduction amounts to a 33.3-percent effective tax on our senior citizens, many of whom exist on low incomes already. In today's economy, we should be encouraging older Americans to remain in the work force, contributing to the strength of our Nation's economy, rather than penalizing them by raising their taxes when they choose to do so.

Our Nation's senior citizens have waited long enough for Congress to address this issue. This policy is blatantly discriminatory and it is time to repeal the earnings test once and for

all. I commend my colleague from Arizona, Senator MCCAIN, for his continuing leadership in the effort to correct this inequality, and I urge my colleagues to join me in working to ensure its prompt passage.●

IMPROVING AMERICA'S PRESCHOOL VACCINATION RATE—S. 1041

● Mr. GREGG. Mr. President, on May 26, I introduced a bill, S. 1041, that will go a long way toward increasing the vaccination rate among America's preschoolers. I urge my colleagues to support this bill.

Before I discuss the legislation, I would like to speak about our Nation's serious problem of undervaccination. I refer to the fact that our preschool children are not properly immunized against childhood diseases like poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps, rubella, hemophilus B, and hepatitis B. According to the Centers for Disease Control, the vaccination rate in this country for 2-year-olds is 40–60 percent.

That rate is simply too low to adequately protect our children against epidemics of childhood diseases. According to goals established by the Department of Health and Human Services and other groups, we need a vaccination rate of 90 percent to really protect our children against these diseases.

As evidence of this, we need only look back a few years to the measles epidemic that occurred between 1989 and 1991. In the early 1980's, the measles incidence rate in the United States had been declining continuously since the introduction of measles vaccine in 1963. It was beginning to look like domestic measles could be completely eradicated. But, in 1989, an epidemic of measles began, and it swept the Nation for the next 3 years. Over 130 children died during that epidemic, and over 11,000 were hospitalized. The medical costs were in the millions of dollars.

The cause of that epidemic was mainly a failure to get young, preschool-aged children vaccinated. Over half of the cases occurred in that age group, and epidemiologists suspect that many of the cases in older children were traceable to the younger, unvaccinated kids. The epidemic may not have occurred at all if a higher proportion of America's 2-year-olds had been vaccinated against measles.

But measles is not the only problem. Pertussis, otherwise known as whooping cough, still occurs with alarming frequency in this country, in part due to inadequate vaccination rates. Other childhood diseases also remain a problem.

One place that we do not have a problem with vaccination rates is in school-aged children. Our national rate for vaccination in school-aged children is over 95 percent. So, why is it that parents do not get their kids vaccinated as preschoolers but they do get their kids vaccinated later on, at school age? The answer is simple. All 50 States in the Union require kids entering school to be vaccinated. The States tell parents that their children will not be admitted to school if they are not immunized.

Similarly, among children who attend licensed day care centers, the rate of vaccination is very high, often over 90 percent. This is true even for young children. Again, the reason for this is that many States require that children attending licensed day care centers be fully vaccinated.

Why is the rate of vaccination in preschoolers so low? According to the experts, some of it is related to a poor delivery system, especially in the inner cities and in rural areas. In those areas, many parents depend on public clinics for vaccinations, and the clinics may have long waiting lines, or long waits for appointments. Or there may be great difficulty in getting transportation to the clinic, or in child care for the other kids left at home.

Another problem is what the experts call missed opportunities. Most unimmunized preschoolers do see doctors for acute illnesses from time to time, but doctors don't vaccinate them at those visits.

Surprisingly, if you look at the literature and talk to the experts about undervaccination, you will not find the cost or availability of vaccine mentioned as a major factor. Yes, childhood vaccination has gotten much more expensive in recent years than it used to be, because of price increases, liability costs, a Federal excise tax, and because of the addition of new vaccines to the recommended schedule. Despite this, however, cost has not been shown to play a major role in the undervaccination problem.

The administration has presented a series of proposals that would try to solve America's vaccination problem. Those proposals started out pretty grand, with such ideas as universal purchase of vaccines by the Federal Government. As a practical matter, this would have turned the vaccine industry into a public utility. Fortunately, the administration changed its proposal toward rationality. It may still have a way to go.

I have disagreed with some of the administration's proposals, such as the universal Federal purchase of vaccine, and I have supported others, such as the use of Federal grants to improve vaccine delivery and set up State immunization registries. I have spent a good deal of time searching for other ways to get more vaccine into more kids.

As part of a recent bill, S. 886, that I cosponsored with Senators DANFORTH, KASSEBAUM, DURENBERGER, and BOND, I advocated that we use the AFDC system to boost preschool immunization rates. Under our bill, a State could reduce benefits to parents who failed to get their preschoolers properly vaccinated.

This link to AFDC payments is now being used in the State of Maryland with some excellent results. There, parents who are receiving AFDC payments are docked $25 from their checks for each child who does not receive proper vaccination and other preventive services. The Maryland system is working well, according to testimony taken by Senator BUMPERS at a hearing 2 weeks ago.

The legislation that I introduced on May 26 would extend that same idea to the Federal WIC Program. Under the provisions of my bill, States would have the option of requiring WIC families to submit copies of immunization records to the program. If a child lacked some important vaccination and was thereby unprotected against a childhood disease, the State could require, if it so chose, to adjust or delay the delivery of WIC benefits. The State could also require unprotected children to appear more often at WIC clinics for reevaluations.

I emphasize here that no WIC recipient would be cutoff from benefits. For example, even if a mother refused to get her children protected against these diseases, the family would still not be cutoff from WIC. But the State could delay WIC benefits or adjust the benefits schedule until the mother got her children protected. If benefits were delayed, they would be restored as soon as the children were properly vaccinated.

Furthermore, no State could take these actions unless the family had been given advance notice, with plenty of time to get to the immunization clinic or the doctor. And families would be given education about the importance of vaccinations and advice on how to get them.

I also want to emphasize that no parents would be forced to get their children immunized under this bill. Any State laws that allow vaccination exemptions to children of school age would apply. For example, if a family had a religious or philosophical objection to immunization, the State exemption would rule. The same would be true for medical exemptions.

The bill also contains a small grant program to make it easier for States to give vaccinations at the WIC clinic itself. Most WIC clinics are already located at or near a health care facility, but this grant program could be used to help those WIC programs that are not.

This legislation is an effective way to get the very kids vaccinated who are most at risk for dangerous childhood diseases like measles. WIC serves the same childhood population that was

hardest hit by the 1989–91 measles epidemic—children from lower-income families. These same kids are most at risk for many of the immunizable diseases of childhood.

Furthermore, WIC children are, by statutory definition, at higher risk for medical diseases because of nutritional deficiencies. To protect them against these diseases, they need more than supplementary food—they need proper vaccination too.

The ideas contained in my bill have already been tried at demonstration projects in Chicago and New York City. At those sites, WIC-based incentives raised vaccination rates by 25 to 30 percent.

Mr. President, there are those who will say that this bill will punish poor people. I reject that argument for the same reason that I reject arguments against requiring families receiving AFDC to get their kids vaccinated.

First, vaccinations are not punishment. We don't call it punishment when we require all parents to vaccinate their children prior to attending school. We call it a requirement, because we recognize that parents have a responsibility as parents to protect their children against disease, just as they have a responsibility to protect their children against accidents and falls and all the other dangers in little children's lives.

But, in my view, parents' responsibility for vaccination goes beyond just their own families. Parents also have a responsibility to the larger community. Take polio, for example.

There is no wild polio in the United States. It still exists in other parts of the world, but here it is gone. Why? Because in most American communities, we have a level of immunity in the population that prevents the polio virus from getting a foothold. We got that immunity from millions of parents taking their kids to the doctor or clinic for polio vaccinations.

A couple could decide not to get their children vaccinated against polio on grounds that there is no polio in the United States, and that, therefore, their child is not at risk for the disease. But if a significant number of parents made that same argument, we could soon have paralytic polio again in the United States, because our population's immunity against polio would fall.

Mr. President, my point is this: Parents' obligation to vaccinate their children is not just for the benefit of their own families. It is also for the benefit of society as a whole. In my view, it is within the prerogative of the Federal Government, when it transfers benefits from the national treasury to individual families, to require those families to take minimal measures in the interest of the greater society. Getting their preschoolers vaccinated is one such measure.

My thoughts on this are similar to President Clinton's, when he talks about the need to change the relationship between Government and the people. As he said in his inaugural speech, "We must do what America does best, offer more opportunity to all and demand responsibility from all." This is what the President calls the new covenant.

The President apparently would extend the new covenant to immunization. In response to a reporter's question in Cleveland on May 10, he said that he agreed with the idea of requiring parents on public assistance to get their kids immunized.

Mr. President, I urge other Senators to look carefully at the legislation that I have introduced, and also at the AFDC requirements in S. 886. The Senate will soon be making some important decisions on this vital subject. The measures in these bills will help get America's kids vaccinated.●

TRIBUTE TO COL. WILLIAM D. RUTLEY, USAF

● Mr. MATHEWS. Mr. President, today, I wish to recognize Col. William D. Rutley of the U.S. Air Force for his leadership and vision as commander of the Arnold Engineering Development Center at Tullahoma, in my home State of Tennessee.

Colonel Rutley recently became Air Force program director for the F–15 aircraft, and will formally leave his command post at AEDC on June 30.

Arnold Engineering encompasses the Nation's largest military facility dedicated to aerospace ground testing to advance the research and development of aircraft, missile, and space systems, and provide problem solving support and expertise for these complex cutting edge technologies.

I recently had the opportunity to visit AEDC and get a firsthand glimpse of the critical research and development activities being conducted there.

As the Nation's defense needs have begun to shift in this post-cold war era, Colonel Rutley's stewardship at AEDC has marked a transition toward cooperative ventures in technology sharing partnerships between the military and private industry. These endeavors are in line with defense conversion proposals set forth by the administration.

Colonel Rutley can be proud of the many accomplishments and achievements that have marked his tenure as commander of AEDC.

Under his leadership, the center was the recipient of the 1993 Federal Quality Improvement Prototype Award.

In addition, a long-term strategic planning process has been instituted at AEDC to guide the center into the next century, which includes directives to diversify its business focus to accommodate commercial as well as military testing and evaluation needs.

Further, partnerships have been forged with industry, educational institutions, other Federal agencies, and State and local governments. These alliances will serve as the foundation of AEDC's research and development programs as the complex strives to meet the increasing demand for improved, superior technologies in an ever expanding and increasingly competitive global marketplace.

Clearly, Colonel Rutley's sound guidance and vision as commander of AEDC have served to ensure that the center will meet the increasing technological challenges facing our Nation, well into the 21st century.

I wish to commend Colonel Rutley for his dedication and commitment in service to his country, as commander of the Arnold Engineering Development Center. His distinguished career in military service gives testament to his outstanding leadership and vision. I congratulate him and wish him well as he moves forward in his military career.●

FATHER DEVITA RETIRES

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to my pastor, my spiritual leader, Father James C. DeVita on the sweet sorrowful day when we celebrate the wonderful heritage of our friend, our mentor, and bid farewell as Father Jim prepares to retire. Father Jim is dearly loved by the people of Island Park, NY, with good reason; Father Jim has served the Island Park community for 15 years with his life and himself. He has served our community as confessor, counselor, educator, and spiritual director.

I want to take this opportunity to congratulate and thank Father DeVita for his years of dedicated service to the people of New York. Today, Father DeVita is being honored as he begins his retirement after 36 years in the priesthood. Father DeVita's outstanding qualities of enlightened leadership and spiritual guidance have brought enormous benefit to the Island Park community.

Born in San Giovanni Rotondo, Italy, James C. DeVita was the third child of seven. He finished high school and joined the Salesian of St. John Bosco order and attended Naples University where he received a degree in classic languages. In 1959 he came to the United States and was assigned to Our Lady of the Rosary, Port Chester, NY, where he stayed for 4 years.

He went on to New Jersey and served St. Anthony's Parish in Paterson while attending Seton Hall University to obtain a degree in Spanish. In 1965 he was asssigned to the Diocese of Rockville Centre with his first assignment in Our Lady of Good Counsel in Inwood. After 3½ years there, he went to St. Rocco in Glen Cove where he stayed for 9 years. Finally, Father DeVita came to the

people of Island Park, to Sacred Heart Church, where he has been for the past 15-plus years.

To speak of Father James DeVita just in terms of appointments and job descriptions really understates his true contributions. Father Jim is a highly respected and deeply loved priest, who has many abilities, talents, interests, gifts, and attributes; including a fabulous sense of humor.

Father DeVita has done much for Sacred Heart Church and for New York State. It is no wonder that such a fine man is being honored with such a grand tribute today. Father Jim has spent his life serving others. He has been of service to the people of God for 36 years now. Father DeVita is a wonderful person and a warm and loving priest and it gives me immense pleasure to salute him today. I ask my colleagues in the Senate to join me in congratulating Father James C. DeVita on his many years of life given freely to the service of others. Father DeVita, we wish you many more years of health, happiness, and humor.●

JOHN HUME: SEARCHING FOR A POLITICAL SOLUTION TO THE TROUBLES OF NORTHERN IRELAND

● Mr. DODD. Mr. President, for many years now, it has been my pleasure and privilege to be friend and acquaintance of John Hume, who was recently described in a New York Times story as "the most influential Roman Catholic political leader in Northern Ireland." John Hume is the leader of the Social Democratic and Labor Party.

I know firsthand that John Hume takes his politics seriously. There is simply no other way for a professional politician to survive the mean streets of Derry, or Belfast, or a lot of other places in the six counties of Northern Ireland. But to his credit, Hume has more than just survived.

John Hume is a builder, an architect, an educator. He is a creator of political landscapes and social structures.

This is why John Hume stands in stark contrast to the chief protagonists in Northern Ireland. He believes profoundly in the value of political debate, discourse, and discussion. He is firmly wedded to the notion that differences be settled at the conference table, and not on the way to the cemetery.

As we know too often from the morning newspaper, however, there are a lot of people in the Ulster region who disagree with Hume and with his brand of politics. The bombings, the assassinations, the ambushes, the terrorism, the torture—for far too many it all adds up to the politics of despair. And this despair only serves to breathe new life into paramilitary-terrorist organizations like the Irish Republican Army or the Ulster Defense Association.

The violence unleashed by these and similar groups on both sides of Northern Ireland's bitter sectarian conflict has produced in a generation more than 3,000 dead and untold numbers of maimed, wounded, and injured. Nor has the presence of British security forces provided much relief. Indeed a good argument can be made that their presence has done as much to increase the violence as it has to diminish it. And as the record of the last 25 years shows, repeated attempts to resolve outstanding differences at the negotiating table have met with scant success.

But John Hume keeps trying. He keeps working the mean streets. And he keeps reaching out to groups on both sides of the conflict, all in an effort to help create an environment where reason is no longer a prisoner to the political extremes.

Most recently, Hume has met with Gerry Adams, leader of Sinn Fein which serves as the political wing of the Irish Republican Army. Clearly this represents an effort to reach out and to explore what possibilities, if any, may exist for getting all the parties to the conflict—including Sinn Fein and by extension, the IRA—under the same negotiating tent at the same time. This effort to examine the basis for an all parties conference deserves the support of all of those who seek a negotiated settlement to the troubles of Northern Ireland.

Mr. President, I am pleased to point out that John Hume's latest efforts in this regard have not gone unnoticed on this side of the Atlantic. In point of fact, they have received strong endorsement as evidenced by two recent editorials commending Hume for his initiative and for his willingness to meet with Gerry Adams and Sinn Fein.

The first editorial appeared in the May 21, 1993, edition of the Patriot Ledger of Quincy, MA. The editorial is entitled "Hume's Dream of Hope for Ulster." The second editorial is from the Boston Globe of May 22, 1993, and is entitled "A New Party in the Irish Talks."

Mr. President, I hope my colleagues will give these editorial comments the attention they deserve. I ask that the two editorials be printed in the RECORD.

The editorials follow:

[From the Patriot Ledger, May 21, 1993]

HUME'S DREAM OF HOPE FOR ULSTER

In Northern Ireland, it is easier to die than to hope.

For 24 years, terrorists on both sides of the Catholic-Protestant divide have joined in slaughter, sustained by the fantasy that they may win in a bomb blast what they cannot force on election day.

More than 3,000 have died and countless maimed in the gang warfare, euphemized as "The Troubles." Thirty-one new victims have been added to the death toll this year. And just yesterday, a huge bomb exploded in downtown Belfast, injuring at least 20, among them a mother and her three children.

Next to Bosnia, this is the devil's pocket change. Yet it is such desperate and enduring sin.

And no one suffers more in Ireland than the peacemakers, the innocents who try to nurture hope even as they bear witness to the blood. Maybe that's why there are so few of them to be found in Ulster, so few willing to endure the annual snuffing out of optimism.

Fortunately, there is John Hume, perhaps the most courageous peacemaker alive in the Emerald Isle. Here is a man of hope who simply won't give up.

Hume is leader of the Social Democratic and Labor Party, the largest Catholic political party which condemns the terrorist savagery of the Irish Republican Army. Over the years, Hume has been one of the rare Catholic politicians willing to reach out to the Protestants, hoping to forge an alliance for peace with the many reasonable souls in the majority religious group in the North. His efforts have been perennially unrequited.

And this week, for the second time in five years, Hume has braved criticism and personal hazard to launch a series of meetings with Gerry Adams, president of Sinn Fein, a small political party commonly described as the "political arm" of the IRA. Sinn Fein has always refused to renounce violence as a tool of Catholic Irish nationalism.

Hume's hope is to persuade Adams that while civil strife may have seemed essential as the tactic of last resort in 1969, when the troubles reignited, it is self-defeating today. Britain has stated its willingness to relinquish its governing role in the North, but only if a majority of residents so vote. But every time the IRA launches a new round of killing, in counterpoint always with their murderous Protestant peers, Britain's moves toward compromise halt.

"Brits out" is the fondest dream and stated goal of the IRA—and Sinn Fein. If Hume and Adams can get together and forge a plan for peace acceptable to the governments of both Britain and the Irish Republic, that could be a huge step toward ending the bloodshed.

There's that foolish hope again. Protestant hardliners, fearing the wavering of British commitment, have already denounced Hume for even talking to Sinn Fein. And, two days after the talks were revealed, the IRA exploded the Belfast bomb.

So Hume has his answer. Let him be brave enough to shrug it off. Despite decades of evidence to the contrary, peacemakers must one day be blessed with success in Ireland.

[From the Boston Globe, May 22, 1993]

A NEW PARTY IN THE IRISH TALKS

Nothing justifies the random bombing and killing by the Irish Republican Army, the predominantly Catholic terrorists in Northern Ireland who seek unification of the Irelands, North and South. Nor is there any justification for their Protestant counterparts, equally clandestine Ulster resistance squads that kill and maim in the name of keeping Northern Ireland separate and British.

That said, there is new cause to question the exclusion of Sinn Fein, the political arm of the IRA, from future talks. Political parties that pursue the separatist goal of the Ulster death squads have long been included.

The crucial difference between the major Northern Ireland parties that are always included in peace talks and the excluded Sinn Fein has been Sinn Fein's refusal to denounce IRA violence. It is an overriding factor.

Protestant pro-Ulster parties have never publicly backed the Ulster squads' violence.

And the dominant Catholic party, the Social Democrat and Labor Party—the SDLP—was actually founded to win civil rights for Catholics in opposition to IRA violence.

Even as Sir Patrick Mayhew, Britain's secretary for Northern Ireland, is pressing to resume peace talks that have faltered many times, a door may be opening for Sinn Fein. Many observers feel that peace will not be realized if Sinn Fein is kept outside an agreement.

Prompting expectations that a more inclusive role for Sinn Fein may be possible are recent meetings between Gerry Adams, president of Sinn Fein, and John Hume, leader of the SDLP. They had not met for five years.

Swirling around their meetings is speculation that the Hume-Adams talks have a secondary purpose—the winning of more government offices by Catholics in local elections. The immediate condemnation of the meetings by leaders of the Ulster conservative parties reflects concern over any shift in power.

It is in that perspective that the Hume-Adams meetings take on significance. "Our objective is to bring about a lasting peace. We are not talking about a cease-fire but a total cessation of all violence," said Hume in an interview with The New York Times. Separately, Adams stated, "We are committed to exploring the basis on which we can move forward to a lasting peace."

Some devotees of the civil rights struggle in Northern Ireland see the Hume-Adams talks as an innovative step toward advancing peace talks and ending IRA violence. Others doubt that any new initiative they might develop could satisfy Protestant interests, and conversely, it might unleash greater violence by the Ulster paramilitary squads.

Despite the risks, a change in the peace talk participants seems worthwhile. Otherwise there is little reason to expect that another round of peace talks among Northern Ireland's political parties, Britain and Ireland will be any more productive than the talks of the past.●

U.S. DEPARTMENT OF EDUCATION'S BLUE RIBBON AWARD WINNER: THE LAURA B. SPRAGUE SCHOOL

● Mr. SIMON. Mr. President, I am proud to inform my colleagues about an award-winning school in Illinois—the Laura B. Sprague Elementary School in Lincolnshire. The U.S. Department of Education has given Sprague School its Blue Ribbon Award. It is awarded to schools that demonstrate a comprehensive commitment to excellence in education. Sprague works to uphold a tradition of excellence. Indeed, it won the Excellence in Education Award in 1986. This year's award is equally well-deserved.

Sprague School is in its 35th year, and enrolls 650 children, serving kindergarten through the fourth grade. I want to commend Sprague and its entire school family. Its superintendent Dr. Oscar Bedrosian, principal Richard L. Best, staff, and parents have all shown their dedication and commitment to Sprague's students. They have strived to create a learning environment that celebrates the fundamental role partnerships play in meeting the needs of children.

Sprague's distinction comes, in part, from its level of parental involvement. Last year, parents spent an estimated 11,000 hours in the school's formal volunteer program. Approximately 90 percent of parents attend open houses and parent/teacher conferences. I salute these parents for their participation and for the many activities they perform, such as tutoring the children, reading stories and helping in the computer laboratory.

Sprague has also instituted many innovative programs, including a yearly strategic planning process, a media center and a well-attended music program. The school district's Project ELM, or Enrichment Learning Model, is a good example of Sprague's innovation. Through the school's establishment of this project, the Sprague staff has developed experiences for the children which recognize their interests and diverse abilities, and encourage them to be life-long learners.

I applaud the Laura B. Sprague Elementary School on winning the Blue Ribbon Award. Congratulations on this significant honor.

Keep up the good work.●

MEASURE READ FOR THE FIRST TIME—H.R. 2264

Mr. BOREN. Mr. President, I understand that the Senate has received from the House H.R. 2264, the Omnibus Budget Reconciliation Act. On behalf of Senator MOYNIHAN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

Mr. BOREN. Mr. President, I now ask for a second reading.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read on the next legislative day.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BOREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, June 9; that following the prayer, the Journal of the proceedings be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified prior to 10 a.m.: Senators MATHEWS, MACK, and GRAMM of Texas for up to 10 minutes each, with the time from 10 a.m. to 11 a.m. under the control of Senator BYRD; and that, at 11 a.m., the Senate resume consideration of S. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOREN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:50 p.m., recessed until Wednesday, June 9, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1993:

DEPARTMENT OF STATE

ROBERT E. HUNTER, OF THE DISTRICT OF COLUMBIA, TO BE THE U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JUNE GIBBS BROWN, OF HAWAII, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE RICHARD P. KUSSEROW, RESIGNED.

DEPARTMENT OF COMMERCE

BRUCE A. LEHMAN, OF WISCONSIN, TO BE COMMISSIONER OF PATENTS AND TRADEMARKS, VICE HARRY F. MANBECK, JR., RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 8, 1993, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF COMMERCE

JOHN A. ROLLWAGAN, OF MINNESOTA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROCKWELL ANTHONY SCHNABEL, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 19, 1993.